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A
JOURNAL
OF THE
PROCEEDINGS
OF THE
SENATE
OF THE
TERRITORY OF FLORIDA,
AT ITS THIRD SESSION.

BEGUN AND HELD AT THE CITY OF TALLAHASSEE, ON MONDAY, THE
FOURTH DAY OF JAN., EIGHTEEN HUNDRED AND FORTY-ONE.

TALLAHASSEE:
C. E. BARTLETT, PRINTER, STAR OFFICE.
1841.

~~Fla. Doc. 1.10~~

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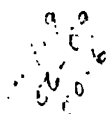
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the acts, adopted 1846/47

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A JOURNAL

*Of the proceedings of the SENATE of the LEGISLATIVE COUNCIL
of the Territory of Florida, at a Session held in the City of
Tallahassee, commencing on the 4th day of January, A. D.
1841.*

MONDAY, January 4, 1841.

The following members elect appeared and answered to their names, viz :—

From the Southern District—Wm. F. English.

From the Middle District—Wm. P. Duval, Chas. H. Dupont, John D. Edwards.

From the Western District—D. G. McLean, Geo. Walker, W. H. Brockenbrough.

On motion, Mr. Dupont was called to the Chair, and Jas. S. Robinson chosen Secretary pro. tem.

On motion, there being less than a quorum present, the Senate adjourned until to-morrow 12 o'clock.

TUESDAY, January 5, 1841.

The Senate met pursuant to adjournment, and there still being no quorum present, adjourned until to-morrow 12 o'clock.

WEDNESDAY, January 6, 1841.

The Senate met pursuant to adjournment, and there being less than a quorum present, adjourned until to-morrow 12 o'clock.

THURSDAY, January 7, 1841.

The Senate met pursuant to adjournment, and there being no quorum present, adjourned until to-morrow 12 o'clock.

FRIDAY, January 8, 1841.

The Senate met pursuant to adjournment, and there being a quorum present, the following members answered to their names and were qualified, by the Hon. William Marvin, viz :

**Messrs. Brockenbrough,
Duval,
Dupont,
English,
Edwards,
Livingston,
McLean.
Walker.**

On motion, the Senate went into an election for President, when Wm. P. Duval was unanimously chosen.

Messrs. English and Brockenbrough were appointed to conduct the President elect to the chair.

The Senate then proceeded to elect its officers, when Jas. S. Robinson was elected Secretary, Alfred A. Fisher Sergeant-at-Arms, Jas. Barry Door Keeper, and Daniel G. Gunn, David Bathwile, and John Poindexter Enrolling and Engrossing Clerks, who were severally sworn.

On motion of Mr. Dupont, a message was sent to the House of Representatives, informing that body that the Senate is now organized and ready to proceed to business.

On motion, the Senate adopted the Rules of the last session until otherwise ordered.

On motion, the Senate then adjourned until Monday 12 o'clock.

MONDAY, January 11th, 1841.

The Senate met pursuant to adjournment.

Mr. Cooper, from the Eastern District, appeared, was sworn and took his seat.

The following message was received from the House of Representatives, viz:

The House of Representatives has been duly organised, by the appointment of P. W. Gautier, Jr. as Speaker, Jas. H. Gibson, Clerk, G. W. Parker, Assistant, H. T. Copeland, Sergeant-Arms, and M. Ledwith, Door Keeper.

By order of the Speaker.

P. W. GAUTIER, Jr.
Speaker House Representatives.

Jas. H. Gibson, Clerk.

Mr. Livingston offered the following resolution, which was adopted, viz:

Resolved, That a committee of two be appointed on the part of the Senate, to meet such committee as may be appointed by the House of Representatives, to wait on his Excellency the Governor, and inform him that the two houses of the Legislative Council are now organised and are ready to receive any communication he may desire to make. Messrs. Cooper and Livingston were appointed said committee.

The President appointed the following standing committees:

Judiciary.

State of the Territory.

Mrs. Brockenbrough,
Walker,
Dupont.

Messrs. Dupont,
M'Lean,
Edwards.

Claims and Elections.

Finance and Banks.

Mrs. Walker,
Cooper,
English.

Messrs. Brockenbrough,
Livingston,
M'Lean.

Schools and Colleges.

On the Militia.

Mrs. Livingston,
Cooper,
Dupont.

Messrs. Sanchez,
Edwards,
Pelot.

On Enrolled Bills.

Messrs. Edwards,
Pelot,
Dupont.

Dupont made the following motion, which was adopted, That the Secretary be authorised to have executed such *blank* printing as may be necessary, until a printer to the Senate shall have been elected.

Livingston moved that the Secretary of the Senate be authorised to subscribe for (10) ten copies each of the newspapers published in Tallahassee, to be furnished each member of the Senate during the Session, which was adopted.

The Senate received from the House of Representatives following message, viz :

HOUSE OF REPRESENTATIVES,
January 11, 1841.

Mr. President,

We propose to raise a joint select committee of three, one from each house, to draft Rules for the government of the houses during the present session. By order

PETER W. GAUTIER, Jr.
Speaker House of Representatives

JAS H. GIBSON, Clerk.

Which was concurred in.

Messrs. Brockenbrough, Dupont, and Walker were appointed to the said committee on the part of the Senate.

Mr. Dupont offered the following resolution: which was adopted, viz :

Be it Resolved by the Senate and House of Representatives, (if the House shall concur,) That the joint rules of the last Legislative Council, be adopted as the joint rules for the government of the present Legislative Council, until the same shall be altered by the joint action of both houses.

The Senate received from the House of Representatives following message, viz :

We agree to your message informing us of your appointment of a committee of two on the part of the Senate in concert with a joint committee of this house to wait upon the Governor for any communication he may have to make. I have appointed as a committee on the part of the house, Messrs. Nunn and Bush. By order

PETER W. GAUTIER, Jr.
Speaker House of Representatives

JAS. H. GIBSON, Clerk.

Also the following:

The House of Representatives agree to adopt the resolution of the Senate adopting the joint rules of the last session, as altered by the joint action of both houses. By order

PETER W. GAUTIER, Jr.
Speaker House of Representatives

JAS. H. GIBSON, Clerk.

Mr. Livingston, from the joint committee of the Legislative Council, appointed by the Senate to wait on his Excellency the Governor, reported that the committee had performed the duties assigned them, and that his Excellency would forthwith receive his communication.

His Excellency the Governor transmitted to the Senate the following message:

Fellow Citizens of the Legislative Council of Florida:

I congratulate you upon your occupation of the new Capitol. The Chambers appropriated for your use are unfinished—but when the progress made in the work, at the conclusion of the last session is remembered, and also the difficulty of procuring workmen during a very sickly season, it is even surprising, that the building should have advanced to its present condition. When the Legislature shall again convene in annual session, there is every reason to expect, that both the capitol and the public square, will exhibit a spectacle, very different from the incompleteness and disorder, by which they are now characterized.

The Indian war still continues—and it is a very unpleasant duty to add, there is no immediate prospect of its close. Rumors have, it is true, reached this city, of the surrender of a number of warriors and their families, at Tampa and other posts, to the General commanding the army of the U.S. in Florida, and hope gladly seizes upon the report, and looks anxiously for peace; but a massacre at the South, in which an amiable lady, the wife of Lieut. Montgomery, of the U.S. army, is said to have been killed, affords other and gloomy forebodings. The Indian is like the Carthaginian faith of old; and experience teaches us, when their promises are most fair, the Seminoles are most faithless. Still, negotiation should be resorted to, whenever practicable, as one of the probable modes of leading to a termination of hostilities; provided, it be not accompanied by a cessation of arms. My solemn conviction remains unchanged, that it is only by incessant and hot pursuit, that such a state of suspense, disquietude, and alarm, will be produced, as to bring the Indians to unconditional submission. The late exploit of the gallant Colonel Harney, is well calculated to intimidate, and incline them to abandon their barbarous resistance.

It is said to be the expectation of those of the enemy, who have lately held intercourse with our officers, that the General Government will allow them to occupy a portion of Territory far down in the Peninsula. It is hoped, no ground has been afforded for such a belief. The dark drama of perfidy and slaughter, presented, after a recent treaty, upon the Carloosahatchie, would most probably be repeated; but if the Indians remained quiet, our people would not be content. There is blood upon too many hearthstones—too many comfortable homes have been made desolate—the citizens of Florida cannot forget, if they would; and remembering, they will never tolerate the neighborhood of such fiends. Besides, a treaty upon such a basis, would be a mere truce. After the compacts they have made and violated, the Indians have no claim to favor or consideration from the United States Government, which is bound not only to chastise their misdeeds, but its honor is concerned in their speedy and entire removal to the West. Shall it

appear hereafter in our annals, that this great nation was foiled and forced from its purposes, by a few savages, who, after spreading terror through an extensive province, for several years, dictated their own terms, and constrained us to a humiliating acquiescence in them? The pride and dignity of the country would turn with disgust from such a record!

Upon coming into office I was struck with the defenceless situation of the country and the growing audacity of the enemy; and very soon perceived, the interposition of the Territorial authority was necessary for the protection of the settlements, along a line extending from St. Andrews Bay to St. Augustine. The means within my control were very limited—but the determination was formed to exert them to the utmost. Relying upon the Justice of the General Government to sustain what should be done to prevent the incursions of the enemy, and the horrors that ever accompany them—the Executive proceeded, under several Acts of the Legislative Council, to borrow money and raise such a force as was required, by the object in view. There was no difficulty in obtaining the service of volunteers—a patriotic and valorous spirit urged more men into the field, than could be accepted, and instead of six hundred men to which the force on this side the Suwannee amounted, as many thousand might have been easily obtained. The volunteers brought into service and officered under existing Territorial Laws, were tendered to the U. States General then in command, under the hope they would be received by him, and the Territory released from the trouble and expense of retaining such a force. The General declined, however, to accept them, and it then became a question of deep solicitude with me—whether they should not be immediately discharged, and a sole reliance placed upon the military operations of the United States? Advice and counsel were resorted to, from those who better understood the geography of the country and were better acquainted with the exposed situation of the settlements than myself, and the conviction was forced upon me, that if the militia were discharged, the country would bear the onerous of the enemy. The war of *posts* then carrying on, had produced no good result, and it was obvious, under that system, more men were required to keep the Indians in check, than the Army of the United States and the Militia of the Territory could furnish. The six hundred men were retained therefore, on this side of the Suwannee—and though the Indians made their appearance sometimes on the frontier, and lives and property were lost, yet it is confidently believed there has been less of murder and devastation for the last 12 months, than has occurred during any one year, since the commencement of the war. This assertion is not made in an arrogant and self-sufficient spirit; the credit is due to Col. Bailey who commanded the forces; to Colonel Blackburn—the brave officers and men who served under them—and to the indefatigable and energetic Colonel Collins, who occupied the head of the Quartermasters Department. For nearly eight months, these Troops

were employed in guarding the persons and property of our citizens, or in pursuing the enemy, and the hardships they endured without murmuring, the Indians captured and slain, and the camps broken up and destroyed, stamp upon them a character for fidelity, valor and subordination, such as any volunteers, in any country, might be proud to bear. It soon became obvious that the Eastern District needed a protection, which owing to the expiration of enlistments and of the term of service of a Regiment of Volunteers, could not be afforded by the Regular Army. The Commanding General called upon the Executive for five companies of footmen—orders were issued to the proper officers to cause them to be levied—but it was impracticable; they could not be obtained by voluntary enlistment, and a draft would have been followed by inextricable embarrassments. Four companies of Horsemen were therefore ordered into the Territorial Service; two of them West of the St. Johns, and two East of that River. There was some difficulty in keeping up this force, from the want of funds—for the Loans to the Territory had, with the exception of a single draft upon the North, been in Union money, which is almost valueless in East Florida. These measures it affords me pleasure to say, have been approved by the Secretary at War, who at first ordered a Regiment of Volunteers into the Service of the United States, and subsequently a Brigade, receiving the Territorial Troops as a portion of the same, and giving me assurances, that these should receive pay from the time of entering the Territorial Service, and that the just claims of our citizens for forage and subsistence, would be allowed by the Department. At this moment, these pledges are in the course of fulfilment; Officers of the Army are in Middle and East Florida collecting the claims and putting them in a train for payment, and it is not considered questionable, that our troops will be paid for their services, and the debt contracted to support the war, by the Executive, discharged, both principal and interest. It was with reluctance, a resort was had to the mode of raising money *by Bonds*, but there was no alternative—the statute prescribed the security to be given, and a stern necessity required the money. There is a wide difference between Bonds for the defence of the People, and Bonds in aid of Moneyed Corporations. I thought then, as I think now—the country must be defended, and forms and even Doctrines are but a “feather in the scale,” when weighed against imminent danger to the lives and property of our citizens. It is a source of gratification to know, that up to the moment when the Territorial Troops were transferred to the United States Service, every thing had been done, that could be done by the Executive, to defend and protect the people of Florida. And every thing is now doing,—the Brigade under Brigadier-General Read, will it is supposed, soon be in a state of perfect organization, and the Army under General Armistead, is reported to be engaged in an active warfare against the enemy. The scheme of *posts* is understood to be abandoned, except as *Depots*

and places of refuge for the sick and wounded, and *defensive* and *offensive* operations, are in a great degree wisely separated, and placed in different hands. It seems to me, however—that these services should be *altogether distinct*—to the militia of the country, its defence should be entrusted—while to a strong army, composed of Regulars and Volunteers, should be given in charge, the pursuit, capture and destruction of the Indians. Under the present plan, the service, so far as the volunteers are concerned, might be rendered more efficient, by providing it with a *Commissariat* and Surgical Department of its own; by extending the term of Service to 12 months or during the war, and by the multiplication of mustering officers, to be posted at convenient positions. The term of enlistment being only three months, a Regiment, or Brigade is scarcely in service, before it is discharged, and vexations and delays occur in mustering in, and out of service. Indeed, considering the nature of the struggle in which we are involved;—(one much more arduous, though the numbers we have to contend with are comparatively few, than if we were warring against hosts of civilized men;) the Federal Government would more certainly command success, by increasing the pay of the Army of Florida and by offering a bounty in Lands to both officers and men, at the conclusion of the war. It also appears to me, that some plan should be formed for the settlement of the country;—lands might be given to those who will occupy them, and associations for this purpose, furnished with arms and rations by the Government until their labors can obtain from the soil, a sufficient support, to enable them to dispense with the last. Money should not be an object, in comparison with the absolute necessity of subduing and removing the savages,—to effect which, the United States are bound by every obligation which their own Honor, and Justice to this unfortunate Territory, can impose.

With the view of making it useful in the present war, an attempt has been made to organize the Militia; the orders for that purpose accompanying this Message. I regret to say but little has been done, in compliance with them. Perhaps the distractions and embarrassments belonging to the times, have interfered to prevent the proper action, on the part of the officers commanding the Militia;—but my efforts shall not be relaxed—Florida it is evident, from her position upon the map of the United States, requires, more than any other portion of the Union, an effective Militia. In foreign Wars she will be easily assailed from *without*—and should the Abolitionists continue to entertain their vile visions and press their sacrilegious schemes—she will be most vulnerable *within*. Any amendment of the Militia Laws by you, will be heartily concurred in by me;—it seems to me that such Laws should be clear, explicit and practicable;—the perplexity of details, some times defeats the most salutary measures.

There is abundant authority in the existing Laws, to enable the Executive and even subordinate officers, to call out the Militia in cases of emergency, and this authority has been several times exer-

cised by me. Upon a late occasion in East Florida, when the volunteers were engaged in a distant scout, and *Coacoochee* and his banditti murdered several United States soldiers and sacked a plantation within two miles of the most ancient city of the Union—Brigadier-General Hernandez was ordered to bring the Militia into the field—before the order could be complied with, the Volunteers returned, the Indians departed and it was countermanded. Whenever the necessity exists, I shall not fail to call upon the people to protect themselves—with the full belief that the General Government will support me in every measure proper to be resorted to, for the purpose of averting a threatening or impending danger.

Our settlements are scattered—it is impossible to place an armed force at every man's door. Citizens who select remote and exposed situations, must endeavor to protect themselves. This can only be done by supplying themselves with arms and using them fearlessly, when a crisis arrives. It is known by experience, that one determined man can defend himself, from a house, against many Indians. There is another defence which is too often neglected. The Indians emboldened by their good fortune, not only attack houses in solitary places, but often appear in thickly settled neighborhoods; every Homestead should be in fact, a castle—and palisades or pickets be thrown around every dwelling. Carefulness and a cautious preparation would prevent many a massacre by the enemy.

Injustice would be done to my own feelings, and to the truth of the case, were I not to say, that since I have been in office, the President of the United States, and the Secretary of War, have manifested every disposition to promote and advance the interests of this Territory;—especially has the war with the Indians been a subject of deep concern with them. It is very easy to complain of those in authority, and to heap obloquy and reproach upon the army of the United States; but, fault finding is often erroneous, and the accusations of malice and invective any thing but truth. If the administration has at any time erred, it is because its agents upon the spot, have been wanting in soundness of judgment, and conveyed to it injudicious speculations; if the army has been at any time remiss, it is because opportunities have not been afforded of proving how deeply it is imbued with patriotism and the love of glory. Of both regulars and volunteers, now in the field, it is but justice to say, they appear to be most anxious to perform their duty, and to do good service to this country in her "bitter day."

My own accounts of money borrowed and disbursed, are in a state of forwardness, and will soon be submitted to you; it is believed they will be found entirely *correct*. The Executive is proudly conscious of a steadfast zeal to perform its duty to the U. S. and to the people of Florida—it may not have possessed the ability to carry out its wishes; but public calamity, and domestic affliction, have not been permitted to interfere with incessant efforts to shield the country from a ruthless foe, and to advance its prosperity.

It is to be regretted that the currency of the Territory remains in

in an unsound state. The bills of the three banks now in operation, are much depreciated; serious doubts are entertained of the solvency of two of them, while the Union Bank is embarrassed, and unable to resume specie payments. Every portion of the country is suffering, and the Middle District, perhaps, more than all. It is true, this District is wealthy, but of what avail are houses, plantations and slaves, when debt hangs like a cloud over them; when specie has disappeared, and exchange gone up to a high rate; when the Court dockets are thronged with suits, and if brought under the hammer, property must be sacrificed, and a constitutional currency cannot be procured to purchase it; when the necessities, to say nothing of the luxuries of life, are vending at enormous prices, and the appreciation of the principal staple of the country, is, of necessity, added by the merchant to the price of his goods, and bears with a heavy weight upon the planting interest? Who would not prefer "the hand full in quietness," to both hands full, with such "sorrow and vexation of spirit?" If this young and blooming Territory had never chartered a Bank, the evils under which she at present labors, had probably been avoided. Such are the attractions of Florida, capital would have found its way hither—the march to wealth might have been slow—but it would have been sure, and the object when attained not glittering and hollow, but sound and substantial. But the policy of the Territory has been otherwise; there seems to have existed a passion for corporations; Banks were sown broadcast thro' the Land; repeated failures served but to whet the appetite for other Institutions; and mismanagement, extensive and imprudent issues, and a sole reliance upon credit have brought us to the condition in which we now are, and which all must deplore. The Banks however are *here*—the Legislation of the Territory although imprudent, has created them—and whatever may have been their errors, they are entitled to their legal privileges and to that justice which belongs alike to natural and artificial persons. As to the authority by which these charters are created—it is not deemed important to enter into that question; it has already been brought to the notice of the General Government, which unquestionably, has a deep interest in it—but the liability of the Territory for the Banks, in the shape of Bonds amounting to near four millions of Dollars, should never cease so long as it endures, to occupy the attention of the Representatives of the People: It is to be desired that the Territory could be separated entirely from the Banks; that by some negotiation with the Bondholders, her securities may be taken up and cancelled, and the Bonds and Mortgages of the Stockholders substituted for them; and with such substitution, the Bondholders might be placed in the relative position the Territory now occupies towards the Banks—appointing Directors and receiving such benefits as the charters provide for the Territory. So far from there being *bad faith* or a want of *honor* or *honesty* in repudiating these bonds,—it is entirely consistent with *good faith* thus to deal with them. They were obtained through a Legislation partial

and unjust. What right had a few hundred Stockholders to make the whole people tributary to *their* schemes of moneyed aggrandizement? In the whole East, there are but *few shares* of stock owned in the Union Bank, and the Bills of that Institution have never been available there. Why should the people of the East then, be liable for the Debt of a Bank, in which they have no ot or part and which has not benefitted them, nor is likely to benefit them, in any respect? The Bills of the Pensacola Bank have perhaps never been seen in East Florida—and is it *honor* and *justice* and *good faith* that the people of that District should be bound in half a million for that Bank? The Bills of the Southern Life Insurance and Trust Company have been more generally useful as a circulating medium; but its favors have been partially bestowed; the promises with which it sat out, disregarded; its affairs it is firmly believed, mismanaged, and its concerns conducted, like those of most Institutions of like kind, for the profit of the *few* to the injury of the *many*. Why should the people and their posterity be required to groan under a load of Debt for these Institutions? Is it *good faith* and *justice* to *Florida*, to bind her hand and foot to corporations, which have done nothing for her, and require her to do every thing for them? Where is the money, these Banks have, in the form of *bonus* or any other form, brought into the Treasury; and what have they produced but appearances of prosperity, sometimes so unreal as to remind us of those fruits that are said to grow upon the shores of the Dead Sea;—they are beautiful to the eye but dust and ashes in the core, and bitter to the taste? Again, is it according to the principles of good faith and honor to hold out the belief, that the people are responsible for obligations, they never intend to discharge? It will not do to say “they never will be called on to pay!” No man can speak with certainty of the future. The charters may ultimately work *well*, but so far, they have worked *ill*;—and the fallacy resting at the base of these transactions, is sufficient to induce us, to get rid of these Bonds, as speedily as possible. They purport to bind the Territory, and when pay day comes, if the Banks cannot redeem them, their holders will look to the people, *who never will consent* to bear the burthen of taxes, required to discharge them. Why should the holders of these Instruments be longer deceived? They possess bonds *which they never can collect* from the Territory. It is proper, they should distinctly understand this truth. It is to their interest, to take the Security which the Bonds and Mortgages of Individuals afford, and relinquish “the moonshine” in the shape of Territorial faith, which when they attempt to touch, will elude the grasp. I ought not to omit to mention, that during the past year an exertion was made to disinter and reanimate at St. Joseph, the long departed but never to be forgotten “Magnolia Bank.” This attempt to quicken a “Heart under the very ribs of death”—proved abortive, and will not probably, be again repeated.

In the last annual message, *scrutiny* was recommended; that

recommendation is repeated. The Legislature should possess itself of a thorough knowledge of the condition of the Banks. If they can be sustained and made useful to the public, they should be ; if not, the sooner their affairs are wound up—always having in view the interests of those who are indebted to them—the better. At all events, the evils of a depreciated currency, with which the country is afflicted, should be brought to an end. Let a period be fixed for specie payments and in coming to a determination upon this delicate subject ;—let the chartered rights of the Banks, the pressure upon the community ; the present short crop of cotton—and the difficulty of relapsing from a state of distension and plethora to a sound and healthy condition, be all fairly weighed and considered. I would not if I could, pull down these Institutions and scatter their fragments to the winds ; such disorganization neither comports with my principles or feelings ;—but I deem it the duty of the Legislature to set apart a day for the resumption of Specie payments—regarding in so doing, as far as possible, the convenience of the Banks, and the convenience of their debtors—but regarding still more the general convenience and the public good. If the Banks will pay Specie, our ills are at an end,—nor is it considered an impracticable operation to return to a *metallic* currency, within a reasonable time. In the East and the South, where the people have willed it—Gold and Silver have appeared at their bidding. Gold and silver pieces are as common beyond as a paper currency of all sorts and sizes is on this side the Suwanee, and it is remarkable, to the West of that River, the precious metals are only to be seen in trinkets and ornaments. In Key West a supply of specie has been usually in circulation. The Will of the People can be made to act with the potency of a spell upon this subject, and Treasures will flow in abundantly whenever it requires them. With a strictness of dealing on the part of the Legislature and the exercise of prudence and forecast on the part of the Banks—it is not denied that the latter may be made eminently useful to any country ; but whenever it shall so happen, that Bank paper is permitted to expand beyond the means of redemption—and there is a general indebtedness to these Institutions ; above all, whenever they shall attempt to influence Elections, and seizing upon political power, to rule the Land—Liberty itself is in danger—unless the People—a vigilant and determined People—come promptly to the rescue.

It is supposed by some, that an alleviation to our troubles is to be found in Stop or Stay Laws. Those who entertain such opinions are deluded. Such laws have not succeeded in those States where resort has been had to them, but have produced a disregard of contracts, and a want of credit, which have but increased embarrassments, impaired the moral sense, and deepened wretchedness. Besides, it is believed such laws cannot be adopted, without infracting the Organic Law, and violating the Constitution of the United States. The remedy is to be found in a rigid economy, both of banks and

people—let the first retrench their loans, and both their expenses—let the creditor exercise forbearance to the debtor, and the debtor exert himself to pay his creditors—let property be taken in payment of debts, at liberal prices, and specie be demanded as seldom as possible. It is understood that the Union Bank has set an example, which deserves to be followed—no new loans are made, and partial payments only are required from her debtors. A determination carried out of contracting no new debts, accompanied by frugality and plainness of living—mercy on the part of the creditor, and justice on that of the debtor—will do more for the *relief* of our People, than the most cunningly devised *Relief Laws*, that could be framed by human ingenuity.

By the law of the land, it is not permitted to any person or company, to issue change bills below the denomination of one dollar. Is not this law every day violated—and does not the common use of such small-change banish coin from circulation, which, if the paper, were withdrawn, would soon supply its place?

There are many acts of Incorporation, which should long since have been swept from your statute books, either by the action of the Legislature, or of the Courts. Among them are, the acts incorporating the Jockey Clubs of Tallahassee and Quincy, and the Dade Institute. The sports of the Turf might be enjoyed, by those who affect them, without corporate privileges; and the act establishing the Institute just mentioned, is one of the wildest productions of incorporating fury. It is not intended to deny good intentions and good feelings to its founder, and those who support him—but no one can read the statute, without perceiving how extravagant, and utterly impracticable are its provisions.

The condition of the bank of Pensacola has been adverted to. I deem it my duty to say, if after a due investigation of the affairs of that Institution, it shall appear, that the bank can be placed in a state of entire solvency, by the completion of the Rail Road, with which it has connected itself, a petition should be preferred to Congress, for a grant of land to enable the Company to complete that work. If the Rail Road, in full operation, would revive the sickly fortunes of the bank, it would also be conducive to the prosperity of Pensacola.

Our people have sustained severe losses during the present Indian war, and the question whether they shall remain unrequited and undemnified, is one of great interest to the Territory. The United States were the guardians, and so to speak, the *keepers* of the Seminole Indians; without consultation with the people of the Territory, they made treaties with them, and attempted their removal when unprepared to effect it. The soldiery, at the breaking out of the war, was withdrawn, to a man, from the East of the St. Johns, and then followed—the utter ruin and destruction of the valuable sugar and cotton estates below St. Augustine—other devastations ensued; lives were lost, and feelings lacerated, for which no Treasury is competent to afford compensation; but if,

from a sense of justice, the United States have consented to pay for losses of property in 1812 and 13, because they stimulated the rebellion against the Spanish authorities, and sanctioned the injury to Spanish subjects, much more are they bound to pay their own citizens, for losses sustained through the negligence and want of preparation of the Government. The rules which apply to civilized warfare, do not attach to this. The United States should not have attempted the removal of the Indians, unless in a condition to accomplish it. Every one knows, if a large force had been provided at the time, the removal had been effected, without war and bloodshed. As it was, the Indians took advantage of our weakness, and correctly calculated, and made the most of their own strength. The Government is responsible for *its own laches*. If he who has the custody of a beast of prey, in carrying him from one place to another, through negligence, suffers him to escape, and destroy life and property, on the plainest principles of right and wrong, he is responsible for the damage done. It is understood that nice distinctions are drawn by the Congress of the United States—plantations occupied by United States troops, and destroyed by the enemy, are to be paid for, and none else. The distinction is without a difference; the United States, from want of due caution, permitted the Indians under their care, to inflict suffering and wrong upon our innocent and unoffending people, and every consideration of right and justice, demands that these same United States should make the proper reparation. It is recommended to you to take special action upon this important subject.

Heretofore it has been my practice to nominate for Territorial offices, to each branch of the Legislature, and to receive the confirmation upon them, of both Houses. This course is believed to be erroneous; I submit whether the *confirmation* or *rejection* should not be made by joint ballot. According to the organic laws, *the Legislative Council* is required to act upon the nominations of the Governor. Now, if the old practice be pursued, a majority of the Council may assent to the nomination, and yet it may be defeated by a minority of the same body. Suppose, for instance, the House of Representatives unanimously assents, and the Senate dissents in like manner—the majority is in favor of the nominee, and yet he is rejected!! It is respectfully recommended to you, to adopt a joint rule, by which the Senate may convene with the Representatives, in the Representative Hall, and ballot upon the nominations, from time to time made by the Executive. My convictions on this head are strengthened by the first section of an act passed on the 21st of January, 1829, entitled an “act to authorize the citizens of the Territories of Arkansas and Florida, to elect their officers, and for other purposes.” The provision is—“That the citizens of the Territory of Arkansas, qualified to vote, shall and may, at such time and place, and under such rules and regulations as the Legislature of the Territory may prescribe, elect their officers, civil and military, except such as by the laws of Congress are to be appointed by the President of the United States,

and except also, Justices of the Peace, Auditor and Treasurer of said Territory, who shall be chosen *by joint vote of both houses of the Legislature*. at such time, and for such term of service as the said Legislature may prescribe;" and again, by the fourth section, it is declared, "that it shall be lawful for the qualified voters of the Territory of Florida, to elect their officers, civil and military, in such manner, and under such *rules, regulations, restrictions and conditions*, as are prescribed in the two first sections of this act." Does it not seem, as the Legislative Council of Florida now consists of two Chambers, the Auditor and Treasurer, and Justices of the Peace, should be chosen by joint ballot, and if the principle be just as to these officers, why not so, in regard to others, who are required by the law to be nominated by the Governor? I wish it was the practice to require the Legislature to nominate, and the Governor to approve; but as it is otherwise, the Executive must be expected in all cases, to exercise the discretion vested in that department, by the laws of Congress.

Your Treasury is without funds to meet the current expenses—it has not yielded money enough to pay the salaries of the Territorial officers dependent upon it during the last year. That policy which would drain the purses of the people to provide for public wants, is ruinous and oppressive—but there are expenses which, even under a Territorial government, must be incurred, and can only be defrayed by taxation. Among the objects for which expenditures are necessary, are the apprehension and prosecution of criminals, and Jailers, Sheriffs, and Marshals fees, for the arrest and safe keeping of prisoners. You cannot enforce your criminal laws without providing for these—but I am inclined to think, a very limited list of subjects, with a proper rate of taxation upon them, would furnish the Territory with sufficient revenue for every legitimate purpose, and from those, too, who are best able to bear the burden. I suggest therefore, for the purpose of supplying the wants of the Treasury, that a tax be levied upon billiard tables, circusses and shows, pleasure carriages, race horses, taverns, licenses to retail spirituous liquors, banks unless their charters contain some inhibitory provision, auction sales—and I would add, though it is confessed with hesitation, *upon every device of professional gaming*. Heavy taxes, and heavy penalties to enforce their payment, would probably check at least, the progress of this ruinous vice. Your laws against gaming are severe enough to extinguish the offence, and banish the offenders from the Territory—if the severity of human laws could effect any thing. But the evil has gone on, increasing year after year, to the detriment of public morality, and the encouragement of a passion fatal in the disastrous excesses to which it leads! Should you deem a more extended range of taxation necessary—it is recommended that no taxes be levied upon the lands, negroes and other property of those who have been driven from their homes, or kept from the cultivation of their lands by the existing Indian war. Might it not be proper to appoint

your Collectors and Assessors for the several Districts in the Territory, rather than for the Counties?

There are certain claims against the Territory in East Florida, for services rendered and provisions furnished during the present War—which were existing when I came into office, and the evidences of which, I regret, cannot, through adverse circumstances, be presented to you. Of the Claims of the first Class mentioned, are those of Colonel Robert Brown of Columbia County in behalf of his Regiment, and of Major Isaac Garrason of Alachua for his Battalion for services in the field as they insist, under the orders of the Governor. After the adjournment of the last Session of the Council, I deputed a Commission consisting of the Adjutant and Inspector General and the Quartermaster General to Newnansville in Alachua, to examine these and other claims—but owing to the shortness of the sojourn of these Officers, and to some misapprehension between them and the claimants—no thorough examination was had. It was then determined by me, to examine them in person, during a visit to the East, which had been fixed for the month of May, but did not from the pressure of public duty, take place until August. Circumstances beyond my control did not allow me to carry my intention into effect, and these claims are yet outstanding and unliquidated. I commend them to your serious and favorable consideration, and if upon ascertaining the amount due, the Territorial Treasury is inadequate to their payment, I recommend a strong appeal to Congress, in the form of Resolution or Memorial. All just Claims should be settled by the Government—and speedily.

The opinions heretofore expressed to you, upon the subject of entering the Union as a State, are unchanged. To divide the Territory at this moment would be productive of numerous disadvantages both to the East and the West. Hereafter should it be desirable and considered beneficial to both Sections, an arrangement may be entered into, under the State Government, for Division. Now, when Land and other Speculators are looking down from a distance, upon the peninsula, and anxiously and greedily expecting the termination of the War; when its population has almost forsaken the country, and is only to be found in towns, villages and posts; when the Blacks from the British West India Islands are, as I am credibly informed, holding intercourse with the Main, and Abolitionism is preparing itself for a vigorous onset—*now* is not the time for East Florida to rend asunder the ties that bind her to the West. To her—the policy is suicidal; to the West it is scarcely less so.

John P. Duval Esq. has informed me he has prepared a Second Volume of Laws, containing private Acts—Acts of Incorporation and Resolutions of the Council, Acts of Congress respecting Florida and the Treaty of Cession, with a copious Index. I have not had time to examine the work, but suggest to you—should it be approved by you—the propriety of soliciting from the General Government, such an appropriation as will procure its publication and distribution throughout the Territory.

I am aware the juncture is not favorable for obtaining appropriations for Internal Improvements from the General Government. If obtained for our Roads and our Rivers, they could not always be applied, while the Indians are unsubdued; but, the improvements and defences of our Bays and Harbours should be constantly urged upon the attention of Congress. Such improvements would be not only for *Florida* but for the *Union*. The Sea Wall at St. Augustine is in an unfinished state—and the Fort St. Marks [Marion] rapidly dilapidating—the completion of the one and the thorough repair of the other should be immediately asked for; the first is necessary to the health, comfort and security of the city—the last for its defence and as an asylum for women and children in the day of trouble, which I trust may never come—but for which a prudent caution should provide. It is surprising that Fernandina has so long escaped the attention of the General Government, since its position is most eligible for a Naval Depot. The Bars at the Mouth of the St. Johns and the Harbour of St. Augustine, might with a due exercise of skill, be improved. Defences are wanting at Indian Key and Key West. It occurs to me, that an Inspectorship of Customs attached to the Collection District of St. Marks might be established, with advantage, at Cedar Keys, near the Mouth of the Suwannee.

The Code for the punishment of offences by Slaves and Free People of Color is very defective. I ask for it your revision and correction;—it will be found that, among other defects, it does not sufficiently provide for the punishment of those who may aid and consort with the Indian Enemy. In relation to these classes of persons, punishment should follow quickly upon the footsteps of crime, and it is recommended, that an application be made to Congress to amend the Organic Law, that all offences by them committed, be brought to a speedy trial, before Tribunals to be established by the Legislative Council for that purpose. Free Negroes should be placed under the guardianship of respectable white persons, and under such superintendence, they may be made useful to the community and themselves.

It has long been my opinion, that the Jurisdiction over Wills and Administrations—estates and Orphans—should be separated from the County Court Judiciary, and confined to a single individual in each county, learned in the Law, with ample power; with suitable fees to compensate for his labors, and with appeal from his decisions to the Superior Courts.

As the Law at present stands the United States District Attorneys are permitted to appoint Deputies—it is questioned whether the Territory possessed power to authorize such a delegation of authority—or, if so—whether it is prudent to confer it. In the absence of the District Attorney, the appointment of the prosecuting officer, should it seem to me, be vested in the Court.

Should not the election for Delegate be fixed at an earlier Period, than the first Monday in May? If there is ever a called Session,

before that time and after the expiration of a Congress, Florida would not be represented and her interests might suffer in consequence.

I advise that measures be taken to cause the Laws to be published in every Judicial District in the Territory ;—they would have been so published, during the past year, by my order, had not the Secretary of State determined they could be published in three newspapers only. Should not the Decisions of the Court of Appeals be published in the journals printing the Laws, for the information of the Bar and of the People ? In this connection, I take leave to express my regrets, that the Laws of the late Session of the Legislature, have not been distributed, as promptly as they should have been. There has not been a dollar in the contingent fund of the Territory, for the last year, and the Executive has been compelled to transmit the Laws, as opportunity offered—by private conveyance, to various parts of the country.

The Resolutions instructing the Delegate, in relation to several important matters, were duly transmitted to him. I am not aware that any action has been had upon them, at Washington.

I submit to you if it might not be proper to endeavor to obtain for the Judges of the Territory, better Salaries, and a per diem allowance, while they are sitting as a Court of Appeals—and also, an appropriation for a Library for the Court of Appeals.

In proclaiming the Adoption of the Constitution of St. Joseph, I but performed a duty required at my hands by the Convention, and for which I am responsible to the People. None but the People have a right to question and command me upon this subject—but, as there is no mystery about it and nothing to conceal, should the Legislative Council consider it important, a statement of the vote upon the Constitution, will be communicated, upon your request.

Your Criminal Code needs reform—its barbarous punishments should be abolished, and some grave offences, to which light punishments are annexed should be visited with heavy penalties. Look at the punishments of manslaughter—assault with intent to murder—Duelling, and Libel—are they such as to prevent these crimes, or do they not rather encourage offenders to stalk abroad at noon-day, deriding the Laws and scorning their judgments ?

Erroneous notions seem to have taken root—respecting *Bail* ; and it has been held, that the English Rule, which is the Rule adopted by most of the States, does not apply with us ; that is to say, a man charged with a capital offence, is less guilty here than elsewhere—and is entitled to lenity and respect from the Laws. Such a position is monstrous, and if there be any doubt as to offences that areailable, and those which are not, it is high time it should be settled by legislative enactment.

The want of Jails retards the enforcement of the Criminal Law. There should be at least one jail in every District ; and I recommend you to ask as much, from Congress. Fortunate would it be for this Territory, if that body would aid you, by a Grant of Lands, to establish a Penitentiary ; the Fort at St. Augustine might, with re-

pairs, be used for that purpose, and the introduction of imprisonment and labor into your penal code—would not fail, as it has done elsewhere, to reform the guilty and promote the cause of humanity.

To prevent frivolous prosecutions, there should be a prosecutor in every case, responsible for costs, in the event of a verdict of "Not Guilty"; and where the proceeding is upon Presentment, it should be the duty of the Grand Jury to furnish the Prosecutor.

It often happens, that a fine is imposed, which the Defendant is wholly unable to pay and then an application is made for Executive Interposition, which, from the necessity of the case, succeeds; thus, he who is without money, is independent of the Law and escapes punishment. Might not the provision be a salutary one, if where the Defendant is unable to pay a fine, imprisonment or some other punishment be inflicted upon him?

To make the laws equal in their operation, the punishing power should in all cases be taken from the Juries, where it is now vested, and deposited with the Courts. In some parts of the country, certain offences, from their common occurrence, or other cause, may be thought lightly of; and the Juries will visit them lightly; while, elsewhere, the same offences may be deemed of some enormity, and the Juries will punish them with severity. There should be a *maximum* and *minimum* annexed to all penalties, and within these points, the Judicial discretion may safely be left to operate. The Judge will hold the balance even, and distribute equal justice throughout his District.

Appeals in criminal cases ought to be abolished, they but embarrass criminal justice. The Pardoning power stands, in our Organic Laws, in place of the Appeal, and when properly exercised, is as efficacious to the accused.

The Law against carrying Secret Arms does not, it is believed, prevent the practice; indeed, I am constrained to say, of the Criminal Justice, there is not generally that respect for it and wholesome apprehension of consequences from its infraction, which belong always to the Law abiding and the lovers of peace and good order. There is extant, a spirit above the Laws, which seeks to make a law for itself and relies upon violence for the execution of its purposes; a Spirit which while it triumphs over the Laws of the Land, elevates the Code of *False Honor* and exults in what it miscalls *CHIVALRY*; a Spirit which if permitted to spread itself, will introduce confusion and bloodshed and death into Society; for there is a point at which the most peaceful and forbearing will resist, and if the laws cannot protect them, Men will defend themselves. The Laws, in this happy country, are but the will and voice of the People, and if the People themselves, do not enforce obedience to their own mandates, they are no longer the Sovereigns of the Land, but the refractory and disobedient lord it over them.

Fellow Citizens, it is a prime and sworn duty pertaining to the official character I hold, "to take care that the Laws be faithfully executed." I have endeavored to acquit myself of this solemn obliga-

tion, to the best of my ability—and without feelings of prejudice or partiality to, or against any man. I shall continue to make the same effort, relying upon the wisdom and patriotism OF THE PEOPLE OF FLORIDA to support me in sustaining THE SUPREMACY OF THE LAWS.

Allow me to remind you, in conclusion, that we have just passed through the excitements of very strongly contested elections ;—these agitations, I am sure, you will agree with me, should be subdued and put at rest ; they should not be suffered to impede and warp the progress of legislation. It is only by the exercise of a charitable feeling and conciliatory spirit, that we can make our labors profitable to the Territory—and I assure you, while the Executive adheres to its own political principles, and must be governed by them, it desires to exercise respect, forbearance and tolerance towards the differing opinions of others ; but most of all, is it anxious to unite cordially with you, in rendering substantial and acceptable service to our unfortunate and bleeding country.

ROBERT RAYMOND REID.

Executive Office, Tallahassee, Fla. }

January 11, 1841. }

Which was read, and 100 copies ordered to be printed.

Mr. Brockenbrough offered the following Resolution, which was adopted :

Resolved, That the Secretary of the Territory be requested to furnish a copy of Duval's Compilation, and the acts of the last Legislative Council, for the use of each member of the Senate.

The Senate then adjourned until to-morrow 12 o'clock.

TUESDAY, January 12, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Dupont offered the following resolutions, viz :

1. *Be it Resolved by the Senate and House of Representatives of the Territory of Florida*, That this Legislative Council do, in the name of the people of Florida, tender to Lieut. Col. Harney, of the United States Army, now operating in Florida, their cordial thanks for zeal and energy displayed by him as an officer in the prosecution of the heretofore humiliating, and yet harassing Indian war, which has so effectually desolated the fairest portion of our afflicted Territory.

2. *Be it further Resolved*, That as the guardians, as well of the honor, as to the interests of our constituents, we do unanimously approve of the course pursued by the said officer in his late gallant affair with the Indians in the Everglades.

3. *Be it further Resolved*, That as commemorative of our approbation and gratitude for the distinguished services and unabated zeal of this gallant officer, his Excellency the Governor of the Territory, be requested to cause to be prepared a sword with a suitable inscription, and to present the same to Lieut. Col. Harney, in the name of the people of Florida.

Which was read.

Mr. English gave notice that at some future time he would introduce a bill to strike out the last provision of the 5th section of an act entitled an act to establish a board of Wardens and Commissioners of Pilotage for the port of Key West.

Mr. Livingston introduced a preamble and resolution in relation to the appointment of Territorial officers by the General Government.

Which was read.

Mr. English introduced the following Resolution, viz:

Resolved, That the Auditor be requested to state to this body what amount of Taxes has been paid by the Auctioneers in South Florida, and state if any part thereof has been returned for school purposes.

Which was read.

His Excellency the Governor transmitted to the Senate a statement of the condition of the Union Bank, upto the 1st of January, 1841. Which was read, referred to the committee on Finance and Banks, and 50 copies ordered to be printed.

Mr. Brockenbrough offered the following Resolution, viz:

Resolved by the Senate and House of Representatives, That the Governor be requested to furnish to the Council a statement of the votes of the people upon the adoption of the Constitution, furnished by the St. Joseph Convention, together with the original Poll Books, and other returns, that the same may be deposited among the archives of the Territory, after such action thereon as the Legislature may think proper.

Which was read.

On motion of Mr. English the Senate proceeded to elect a printer, when, C. E. Bartlett was unanimously elected.

Mr. Dupont offered the following Resolution viz:

Resolved, That his Excellency the Governor be requested to cause to be transmitted to the Senate, at as early a day as practicable, the report of the Auditor and Treasurer of the Territory, for the year 1840.

Which was read.

Also a Resolution in relation to the reference of the Governor's message to the appropriate committees—which was read.

On motion the Senate adjourned until to-morrow, 12 o'clock.

WEDNESDAY, January 13, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Walker presented the petition of James Burnside, which was read and referred to Committee on Claims.

The resolutions offered by Mr. Dupont on yesterday, complimentary to Lieut. Col. Harney, were again read, to which a preamble was offered by the same gentleman and received.

Said preamble and resolutions were unanimously adopted.

The preamble and resolution offered by Mr. Livingston on yesterday, in relation to the appointment of Territorial officers by the General Government, were again read and adopted.

The resolution offered by Mr. English requiring of the Auditor information as to the taxes paid by the Auctioneers of South Florida, was again read and laid on the table.

The resolution of Mr. Dupont, in relation to the reports of the Auditor and Treasurer of the Territory, was again read and adopted.

Mr. Dupont offered the following substitute for the resolution offered by him on yesterday, as to the reference of his Excellency the Governor's Message:

Resolved. That so much of the Governor's Message as relates to the Indian war, be referred to the Committee on the State of the Territory; so much as relates to the organization of the militia, be referred to the Committee on the Militia; so much as relates to the currency, to issue of the Territorial Bonds, and to the revenue of the Territory, be referred to the Committee on Banks and Finances; so much as relates to Indian losses and claims in East Florida, to the Committee on Claims; so much as relates to internal defence and acts of incorporation recommended to be repealed, to the Committee on the State of the Territory; so much as relates to the criminal code, and the voting by joint ballot by the two Houses upon the nomination of the Governor, to the Committee on the Judiciary.

Which was read and unanimously adopted.

The Senate then adjourned until to-morrow 10 o'clock, A. M.

THURSDAY, January 14, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Livingston gives notice that he will on some future day, ask leave to introduce a bill to incorporate the Town of Madison Court House, in Madison County.

Mr. English, agreeable to previous notice, asked and obtained leave to introduce a bill entitled, "an Act to repeal the last provision of the 5th section of an act entitled 'an Act to establish a Board of Wardens and Commissioners of Pilotage for the Port of Key West,'" which was read.

Mr. Cooper offered an extract from the presentments of the Grand Jurors, of the Counties of Columbia, Alachua and Hillsborough, in relation to the claims of the Regiment of Colonel Robert Brown and the Batalion under Maj. Isaac Garrison, which was read and referred to the Committee on Claims.

The following resolution offered by the same, viz:—

Resolved, That the Governor be and he is hereby requested, to furnish to this body, such papers and information as may be in his possession respecting the claims for military services referred to in his annual message.

Was read and ordered for to-day.

The resolution before offered by Mr. Brockenbrough, requesting information of the Governor as to the votes given for the Constitution framed at the late Convention held at St. Joseph, was again read and adopted.

The resolution of Mr. Cooper, requesting of the Governor information and papers respecting claims for military services, was again read and adopted.

The Senate then adjourned until to-morrow 9 o'clock.

FRIDAY, January 15, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Pelot appeared, was sworn, and took his seat.

Mr. Brockenbrough, from the committee on the judiciary, made the following report:

The committee on the judiciary, to which was referred so

much of the Governor's message as relates to voting by joint ballot of the two houses upon all nominations made by the executive, have had the same under consideration, and beg leave respectfully to report :

That the act of Congress of the 3d of March, 1823, section second, in defining the duties of the executive, provides that the Governor "shall have power to appoint and commission, by and with the consent of the Legislative Council, all officers, civil and of the militia, whose appointments are not herein (therein) otherwise provided for, and which shall be established by law." That said act is unrepealed. That the act of the 21st January, 1829, entitled, "An act to authorise the citizens of the Territories of Arkansas and Florida to elect their officers, and for other purposes," to which the Governor alludes, in its first three sections, alludes exclusively to the Territory of Arkansas, which at that time had a senate. The first section of that act gives the "citizens of the Territory of Arkansas, qualified to vote," the right, "at such time and place, and under such rules and regulations as the Legislature of said Territory might prescribe, to elect their officers, civil and military, except such as by the laws of Congress then in force, were to be appointed by the President of the United States ; and except also Justices of the Peace, Auditor and Treasurer for said Territory, who should be chosen by joint vote of both houses of the Legislature, at such time and for such term of service as the said Legislature should prescribe."

The fourth section of the same act to which the Governor also makes reference, provides, "That it shall be lawful for the *qualified voters* of the Territory of Florida to elect their officers civil and military, in such manner and under such rules, regulations, restrictions and conditions as are prescribed in the foregoing provisions in the two first sections of that act."

We understand the words "qualified voters" of Florida, in the fourth section, to mean the same thing with the words, "citizens of the Territory of Arkansas qualified to vote" in the first section, and both to give certain elections to the people ; and the words "rules and regulations" to apply to the words "such rules and regulations as the Legislature of the said Territory may prescribe."

In the 4th section the words restrictions and conditions must mean to extend to the people of Florida the exceptions in the first section, of such officers as by the laws of Congress are to be appointed by the President of the United States, and Justices of the Peace, Auditor and Treasurer, who by said first section were to be appointed by joint vote of both houses of the Legislature of Arkansas.

These officers being thus exempted from the power of the people, the question arises to whom their election was given.—

As to those appointed by the President it is clear that those remained with him. As to those to be chosen by joint vote of the two houses of the Legislature of Arkansas, it is equally clear that that act specially giving such power to the joint vote of two houses, in Arkansas, could not be intended without express words to give a similar power to the single house, then existing in Florida. Such a construction would have ousted the Governor of his power of nomination, and given the whole subject of nomination and election to the single house of the Legislative Council of Florida, because the election was given to the joint vote of the two houses of Arkansas.

And that act can not be held to contemplate the future existence of a Senate in Florida established long afterwards.

If it does the Governor has no right to nominate the officers embraced in the second exception of the first section of the act, but the same must be chosen by joint vote of the two houses. We consider then that there was no alteration intended by the act of 1829, in the right of the Governor to nominate and the Legislative Council to confirm.

The next act to be considered is the act of the 7th of July, 1838, which declares that the Legislative Council shall consist of two houses, to be called the Senate and House of Representatives. That act provides no mode by which the two houses shall act upon Executive nominations, and as the power to confirm is given to the Legislative Council, and that council is constituted of two houses, we know of no power or right by which they can act as one house, or by joint vote in any case, unless express authority was given them by the act establishing them.

We therefore recommend the adoption of the following resolutions :

Resolved, That in the opinion of the Senate, the two houses of the Legislature of Florida can not legally act jointly upon the subject of Executive nominations.

Resolved, That a copy of this report and these resolutions be transmitted to his Excellency, the Governor and the House of Representatives.

W. H. BROCKENBROUGH, Chairman.
C. H. DUPONT,
GEORGE WALKER,

Which was read and placed among the orders of to-day, and ordered to be printed.

A bill, to be entitled, an act to repeal the last provision of the fifth section of an act entitled an act to establish a board of Wardens and Commissioners of Pilotage for the Port of Key West, was again read and ordered to be engrossed for to-morrow.

The report of the Judiciary Committee, on the subject of Executive nominations, was again read and adopted.

The Senate then adjourned until to-morrow, 9 o'clock, A. M.

SATURDAY, January 16, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

On motion of Mr. Walker Mr. Pelot was added to the committee on Claims.

Mr. Livingston gives notice that he will, on some future day, ask leave to introduce a bill to be entitled, an act to repeal the 3d and 8th sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes.—Approved March 2d, 1839.

Mr. English offered the following resolution, viz:

Resolved, That the Judiciary committee be instructed to inquire into the propriety of abolishing the Superior Court for the county of Dade, and to report a bill for the recording of deeds and other writing, in some other court, and for the adjudication and trial of cases arising in the said county of Dade. Which was read and adopted.

An engrossed bill, entitled an act to repeal the last provision of the fifth section of an act entitled an act to establish a board of Wardens and Commissioners of Pilotage for the port of Key West, was read a third time and passed. Ordered that the title be as above.

The Senate then adjourned until Monday 12 o'clock, M.

MONDAY, January 18, 1841.

The Senate met pursuant to adjournment, and Saturday's proceedings were read.

Mr. Walker offered the following resolution, viz:

Resolved, That until otherwise ordered, the hour of meeting of the Senate shall be 12 o'clock, M.

Which was read.

Mr. Brockenbrough, from the committee on the judiciary, made the following report :

The committee on the judiciary, to which was referred such portions of the Governor's message as relates to the right of arbitrary appeal and writ of error in criminal cases, have had the same under consideration, and beg leave respectfully to report :

That in the opinion of this committee, the certainty of punishment has more effect in the prevention of crime than its severity. That criminals in Florida have peculiar facilities for escape which the circumstances of the country render it difficult to take away. Our long line of sea board—the narrowness of our inhabited Territory, and contiguity of neighboring States—the extensive tracts of uninhabited country—the existence of an enemy within our borders, and the want of proper vigilance and care of public officers, render it peculiarly difficult to arrest persons charged with crime ; and when arrested the want of jails or their insecurity, the want of funds for the support of the persons charged, and the difficulty of reimbursement, render it exceedingly difficult to detain a prisoner when arrested. As if to add to the facilities of escape already in existence the Legislature has allowed an arbitrary right of Appeal and writ of error to be taken by the prisoner after indictment, trial and conviction, whether there is error in the record or not. Of this right of Appeal all criminals of course avail themselves when the punishment is of a serious character. The Court of Appeals sits only once a year, and the long intervals which sometimes elapse between the time of conviction and the session of that court, subject the Territory to an enormous charge for the support of the prisoner and the attention of the officers, whilst it gives the prisoner and his friends ample opportunity to insure his escape, which is more certain to take place in proportion to the enormity of the offence and the just severity of the punishment. And this may and does occur where the subtlest legal acumen would not be able to detect an error on the record.—Persons guilty of the most atrocious crimes—the most flagrant violations of their duties to society, and the laws of God and man, have been permitted to escape by this error in our criminal system. It renders the whole of our criminal system a mockery, and trials for murder a solemn farce. When the conviction of guilt is followed by the certainty of escape the boasted protection said to be offered by society to the persons and property of its members is an idle tale, and every man is left to rely for self protection only upon such means as God and nature gave him, and the weak man becomes subject to the power of

his more powerful neighbor, and the brave man is safely assassinated by the coward.

Your committee have dwelt longer upon this subject than so plain a question would seem to require ; but they have been informed that a bill repealing this right of arbitrary appeal, was passed last year by the Senate and rejected by the House, probably without a due consideration of the necessity of the measure. Subsequent events must have satisfied the most skeptical on the subject.

We therefore report the following bill which allows prisoners the advantage of all error which there may be reasonable ground to believe exists in the record of their conviction.

W. H. BROCKENBROUGH, Chairman.

C. H. DUPONT,

GEORGE WALKER.

Which was read, received, and copies of an accompanying bill, to be entitled "an Act to allow writs of error in criminal cases only upon certain conditions," ordered.

His Excellency the Governor transmitted to the Senate the following message, viz :

EXECUTIVE DEPARTMENT,
Tallahassee, January 18, 1841. }

*To the Honorable the Senate of the
Legislative Council of Florida :*

I herewith transmit to you the claims referred to in the message of the 11th inst., and called for by a Resolution of the Senate, passed 14th inst.

ROBERT RAYMOND REID.

Which was read, and with accompanying documents, referred to Committee on Claims.

The Senate then adjourned until to-morrow 12 o'clock.

TUESDAY, January 19, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Livingston, according to previous notice asked and obtained leave to introduce a bill to be entitled "an Act to repeal the third and eighth sections of an act entitled 'an Act to author-

ise the Governor of Florida to raise troops for the defence of the frontier and for other purposes." Approved March 2, 1839.

Which was read.

Mr. Dupont gives notice that he will at an early day ask leave to introduce a bill to be entitled "an Act in addition to the election laws."

Mr. English moved that a committee of two members of the Senate be appointed to ascertain, as near as may be of the Printer elect for the Senate, the probable cost of the printing for this body during the present session, which prevailed, and Messrs. English and McLean were appointed said committee.

Mr. Walker, from the Committee on Claims, made the following report:

The committee on claims to whom was referred the petition of James Burnside of Jackson county, report that the object of the petitioner is to be remunerated for services in teaching poor children out of a fund in the Treasury of Jackson county, raised under an act of the Legislative Council of 1838.

The committee regarding this fund as exclusively under the control of the County Court of said county of Jackson, forbear from recommending any action on the subject, and beg to be discharged from any further consideration of the petition.

(Signed) GEO. WALKER, Chairman.

Which was read and concurred in.

The Senate received from the House of Representatives, the preamble and resolutions before adopted by the Senate, amended by the House.

Which was read and ordered for to-day.

The resolution of Mr. Walker, in relation to the time of meeting of the Senate, was again read, amended by substituting eleven instead of twelve o'clock, and adopted.

A bill to be entitled "an Act to allow writs of error in criminal cases, only upon certain conditions," was ordered for to-morrow.

The resolutions in relation to Lieut. Col. Harney, as amended by the House, were again read and laid on the table.

The Senate then adjourned until to-morrow.

WEDNESDAY, January 20, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Dupont gives notice that he will on some future day ask leave to introduce a bill in relation to the Revenue Laws of the Territory.

Mr. Livingston according to previous notice, asked and obtained leave to introduce a bill, entitled, "an act to incorporate the town of Madison Court House." Which was twice read, the rule being waived, and referred to the Committee on the Judiciary.

Mr. Pelot offered the petition of Mr. J. A. L. Norman, which was read and referred to the Committee on Schools and Colleges.

Mr. English from a select committee, made the following report, viz :

The select committee appointed for the purpose of ascertaining something of the probable cost of the printing for the Senate, have had an interview with the printer elect, and respectfully report the following answer of the printer, on the subject, which your committee deem satisfactory.

WM. F. ENGLISH,
D. G. McLEAN.

To the "Chairman of the Committee of the Senate appointed for the purpose of ascertaining the probable amount of printing of that body for the present year."

GENTLEMEN :—In answer to your enquiries of yesterday, I can state, that having been elected printer to the Senate, I am entirely willing to rest the matter of compensation altogether with that body, and will continue to do the work at such prices as the Senate may establish. Being satisfied that they will be disposed to allow a reasonable remuneration for labor, and I want nothing more.

Not knowing as yet how much printing the Senate may order, I am not at present able to say what will be the cost of printing for the whole session. But taking the prices of 1839, or the average of the prices which have been paid for the last five years, as the standard, it will be easy after the work has been ordered and executed, to audit and fix its value.

I would, therefore, propose to your honorable committee, and through you to the Senate, that the prices paid in 1839 be considered as the standard by which the work of the present session shall be charged.

Respectfully Gentlemen,
Your obedient servant,
C. E. BARTLETT, Ed. Star.

A bill to be entitled an act to repeal the 3d and 8th sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839, was again read.

The Senate went into committee of the whole, Mr. McLean in the chair, on a bill to be entitled an act to allow writs of error in criminal cases, only upon certain conditions ; after some time

spent in its consideration, the committee rose, and reported the bill with sundry amendments, which was received, and said bill, ordered to be engrossed for to-morrow.

The Senate then adjourned until to-morrow.

THURSDAY, January 21, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

The Senate received from his Excellency the Governor, a message, which was laid on the table until called for.

Mr. Dupont agreeable to previous notice, asked and obtained leave to introduce a bill, entitled, an act to abolish the Territorial Treasury, and providing for the liquidation and settlement of all demands due to and from the Territory, and for other purposes, which was twice read and referred to the Committee on Finance.

Mr. English presented the petition of Mrs. Anne S. Perrine, which was read and referred to the Committee on the State of the Territory.

Mr. Livingston from the Committee on Schools and Colleges, made the following report:

The committee, to which was referred the petition of J. A. L. Norman, praying pecuniary assistance, ask leave to report:

That they have had the same under consideration, and inasmuch as the Territory of Florida is already in debt, and without one single dollar in the Treasury, and with no means of raising money, except by taxation, they therefore beg to be relieved from the further consideration of said petition.

Signed MADISON C. LIVINGSTON, Chairman.

A bill to be entitled an act to repeal the 3d and 8th sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839, was read a third time and passed—ordered that the title be as above.

The Senate received from the House of Representatives, as adopted, a substitute for the resolutions before adopted by the Senate, relative to the appointment of officers of this Territory by the President of the United States. Which was received and adopted by the Senate.

Also as passed without amendment, an act before passed by the Senate, entitled an act to repeal the last provision of the 5th section of an act entitled an act to establish a board of Wardens and Commissioners of Pilotage for the port of Key West.

Also as adopted without amendment, a resolution before passed by the Senate, requiring of the Governor a statement of the votes polled upon the adoption of the Constitution.

Mr. Walker gives notice that he will introduce a bill to amend the several acts establishing county Courts.

Mr. English gives notice that he will at a future time, introduce a bill, to be entitled, an act supplementary to an act entitled an act to prevent the future emigration of free negroes or mulattoes to this Territory, and for other purposes.

Mr. Dupont gives notice that he will at a future day ask leave to introduce a bill to be entitled an act to repeal an act entitled an act to amend an act concerning Dower.

The Senate received from the House of Representatives the following message, viz :

To the Honorable

the President of the Senate.

The House of Representatives have adopted the resolutions passed in the Senate, relative to the conduct of Lieut. Col. Harney, and also, an additional resolution to which they ask your concurrence. By order of the House.

PETER W. GAUTIER, Jr.

Speaker House of Representatives.

JAMES H. GIBSON, Clerk.

January 21, 1841.

Which additional resolution was received by the Senate, and said resolutions adopted as amended.

The Senate went into secret session on certain nominations of his Excellency the Governor.

On motion the doors were opened, and the Senate then adjourned until to-morrow.

FRIDAY, January 22, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Dupont agreeable to previous notice, asked and obtained leave to introduce a bill entitled an act to repeal an act entitled

an act to amend an act concerning Dower. Which was placed among the orders of to-day.

Mr. McLean gives notice that he will on some future day ask leave to introduce a bill to be entitled an act to amend an act concerning roads, highways, and ferries.

Mr. Pelot gives notice that at some future day he will introduce a bill to amend the sixth section of an act entitled an act relating to crimes and misdemeanors.

A bill, to be entitled, an act to repeal an act entitled an act to amend an act concerning Dower, was read.

The Senate then adjourned until Monday.

MONDAY, January 25, 1841.

The Senate met pursuant to adjournment and Friday's proceedings were read.

Mr. Walker agreeable to previous notice asked and obtained leave to introduce a bill, to be entitled, an act to establish a court for the trial of crimes and misdemeanors, committed by slaves or free persons of colour. Which was read twice, the rule being waived, and referred to the Committee on the Judiciary.

Mr. Dupont gives notice that he will, at an early day, ask leave to introduce a bill, to be entitled, an act to prevent Duelling.

The Senate received from his Excellency the Governor the following message, viz :

EXECUTIVE DEPARTMENT, }
Tallahassee, Jan. 25th, 1841. }

*To the Honorable the Senate
of the Legislative Council of Florida.*

I herewith transmit to you the statement of the condition of the Southern Life Insurance and Trust Company, just received from George Field, Esq. the President of that Institution.

ROBERT RAYMOND REID.

Which was read and laid on the table, and with accompanying documents ordered to be printed.

Mr. Walker from the Committee on Claims made the following report :

The Committee to whom was referred so much of the Governor's Message as relates to claims against the Territorial Go-

vernment for military services in 1838, beg leave respectfully to report in part: that they have had under consideration the claims of the Regiment under Col. Brown, and the Battalion under Major Isaac Garrison, for military services in the year 1838, under authority of the Territory.

It appears from the documents and other sources of information sought by your committee, that in the spring of 1838, the frontier counties of Hamilton, Columbia and Alachua, were left almost defenceless by the United States troops. The Indians were overrunning the settlements without check, and massacre and plunder were of daily occurrence. The inhabitants reduced to a state of desperation, were beginning to agitate the propriety of a general abandonment of their settlements, and such your committee believe would have been the disastrous result, but for the spirit of patriotism and endurance that animated the mass of the population of that region. The committee find in the corroborating testimony of all they have conversed with, who were cognizant of the condition of the country at that time, a full support for the opinion of the Grand Jury of Columbia, Alachua and Hillsborough, referred to them by this body, that the trials endured by the frontier people in the spring and summer of 1738, have been almost without parallel in the progress of this calamitous war, the brunt of which it has fallen to the lot of our Eastern brethren to sustain. Under these circumstances it appears that the local militia was called out for defence. On the 10th March Col. Robert Brown despatched to Gov. Call information of the state of the country, and of the necessity of immediate and permanent protection; in reply to which Gov. Call, under date of 26th March, 1838, writes as follows:

"I shall immediately send an express to Gen. Jessup, and request him to detach a force for the defence of your section of country; but in the mean time you will order Capt. Cason's company into service; and such other forces as you may deem necessary for the protection of the inhabitants of your county, unless Gen. Jessup should send other troops. Those which you may raise will be continued in service either under the authority of the United States or of the Territory."

And again under date of April 13th, the Governor writes to the same officer; who had been to see Gen. Eustis for the purpose of offering his force to the United States:

"I hope your interview with Gen. Eustis has been productive of more beneficial results than you anticipated, and that he has consented to receive into the service of the United States a sufficient volunteer force for the protection of the frontier. If, however, he still refuses to do so, on the receipt of this, and you find the settlements in danger, you will immediately organize

such a force as you may deem necessary for the defence of the inhabitants; you will assign to each company a suitable position, so as to cover the whole line of your frontier and keep the troops constantly and actively employed in driving back the enemy.

"And in defending the settlements in the exercise of the authority with which you are hereby invested, you will use a sound discretion, and call out no larger force than in your judgement will be absolutely necessary for defensive operations. Should the troops thus organised and ordered out, not be received into the service of the United States, they will be recognised in the service of the Territory, and I will endeavor to have them paid as soon as funds can be procured for that purpose by the authority of the Legislative Council. With regard to forage and subsistence, it is impossible for me to provide either."

Acting under the order of the Governor, Col. Brown ordered all his available force into the field, and tendered them to the United States without success. These troops continued under order until the 22d July, when they were disbanded by Col. Brown, in compliance with the order of Gov. Call as contained in a letter to Major Garrison of 23d June, a copy of which was sent to him; and under date of 23d July, Col. Brown thus addresses the Governor:

"With regard to a report of the troops in the Territorial service, I kept deferring it, thinking I would come on and see you first, but was prevented by the frequent assaults of the enemy. However, a correct report, I believe, accompanies this letter. As regards the time, I saw no law for taking them for a less term than four months, unless sooner discharged. They were enrolled for that time, but some companies fall short of it. I deem it entirely unnecessary to say, that their services were valuable and could not be dispensed with; but I refer your Excellency to the extent of frontier, the United States forces on that frontier, and our resources for support, and I know that your Excellency will be bound to say that we deserve well if we never are paid. The most of these men have been in the United States service the two past summers, and I assure you that they will all concur with me in saying, that there has been more calls and greater calls this summer than ever before, and that their duty has been more arduous. I therefore hope your Excellency will be able shortly to contract a loan that will relieve them in some degree from their present distress."

Under similar circumstances to those heretofore referred to, a Battalion of the Militia in Alachua county, under Major Isaac Garrison took the field. Under dates of the 9th and 11th April, 1838, Major Garrison informs the Governor of the situation of the country, and states as follows:

"I have been under the necessity of calling on the different Captains for aid in putting down these hostilities if possible; and I must respectfully solicit your Excellency's advice upon the subject, as my orders will not be obeyed long without your approving the same."

Under date of the 15th April, the Governor authorises him in case General Eustis should refuse to receive into service a sufficient volunteer force to co-operate with the regular troops in defending the country, and driving back the enemy, "to organise such a force from his battalion, under the authority of the Territory, as will give security to the frontier of Alachua."

Under date of the 8th April, Col. Brown, who was at Newnansville on his way to see General Eustis, writes to the Governor, "I have been on my way to see General Eustis who is charged with the protection of this frontier, and am sorry to inform you of the dreadful excitement that prevails here. There appears to be considerable of Indian signs in the neighborhood, and the families have all nearly got safely into this place; they are in a great state of confusion. General Eustis has refused to receive them into the Government service they say, and to enrol without the hope of pay or rations, in their present condition, seems impossible. In order to hold them together, I have assured them of your power and ability to give them protection, and have advised Major Garrison to order out his whole available force."

In compliance with the order of Governor Call, the battalion ordered into service continued upon duty and rendered active and efficient service. The letter of General Eustis addressed to a committee of the citizens of Newnansville, as well as his letter to Major Garrison are hereto annexed; shewing clearly that the country was in fact *without protection*, there being no mounted force whatever on the frontier up to the date of his letter. The two companies of Dragoons spoken of by him as likely to arrive for the purpose of "scouring the hammocks," could afford but little relief upon so extensive a frontier, and with such an enemy. Upon the receipt of Gov. Call's order of 23d June, it appears that Major Garrison, upon consideration of the continued want of defence, and the impossibility of communicating with Gen. Taylor, and after consultation with the most discreet citizens of the county, determined to postpone his execution of the order to disband, and communicated his course to Gov. Call by letter, dated July 5th, 1838, a copy of which is hereto annexed. In this letter it will be seen that Major Garrison informs the Governor that under the circumstances, "he feels compelled to keep the Battalion in service of the Territory till further ordered." No further order for the discharge of the troops having been given by the Governor, they were continued

in service till the 19th of September, when the pressure of the necessity ceased.

In the Annual Message of the Executive, delivered to the Legislative Council at its next session, (1839,) the subject of the services rendered by these troops is presented to its consideration. It will be seen that the Governor states that "it became necessary to invest the officer in command with discretionary power, in relation to the number of troops to be employed for the purpose of restoring tranquility, and to insure the safety of those who were exposed to danger." The only point referred by him to the Legislature, was as respected the necessity for the number of men ordered out.

The committee have taken pains to possess themselves of all the information necessary to satisfy their minds upon this point, and they concur in the opinion of the Grand Jury of those counties, that the force called out by Col. Brown and Major Garrason, from their respective commands, was by no means more than the exigency required, and that the discretion confided to them was discreetly and properly exercised. With respect to the service performed by these troops, the committee have examined with scrutiny, and are satisfied that they were of essential aid and benefit to the country, and that both the corps referred to, have entitled themselves not only to the remuneration guaranteed by the Territory, but to the thanks of the country.

The committee cannot but express surprise at the delay which has attended the liquidation of these claims. Having been called into service and continued upon duty by officers authorized to do so, under circumstances of great sacrifice to themselves.—The men composing these troops should not have been thus long postponed of their rights by any question as to the manner in which their commanding officers had exercised a discretion legitimately confided to them. It was enough that the commanders of their respective regiments were authorized to call them into the field in the Territorial service, and that they obeyed and performed their duty faithfully and creditably.

The committee after due and full examination of the subject, concur in the judgment that the regiment of Col. Brown performed duty, and are entitled to pay for three months and sixteen days. And that the battalion of Major Garrason performed duty, and are entitled to pay for six months, and that both said corps were legitimately in the service of the Territory, providing their own forage, subsistence, arms and ammunition, and did not comprise a greater force than the extent and condition of the frontier peremptorily demanded.

The committee have appended hereto, certain certificates in reference to the battalion of Major Garrason, which will serve

to explain the reason of the longer continuance of his battalion in the service of the Territory, than the forces under Colonel Brown.

They report the following resolutions upon the subject referred to them, and recommend their early passage by the Legislature.

Resolved, That the Governor be, and he is hereby authorised and requested to settle under the act for the relief of the Florida troops, during the Indian war, approved February 10, 1838, the claims of the regiment commanded by Col. Robert Brown, for military services, in 1838, for a term of three months and sixteen days.

Resolved further, That the Governor be, and he is hereby authorised and requested to settle in like manner, the claims of the battalion of Major Isaac Garrison, for like services, for a time of six months.

Resolved further, That the Governor be, and he is hereby authorised and requested to allow to each officer and man, such sum for the forage and subsistence, provided by himself, according to the prices current at the time, for such articles, as may be, respectively due them.

Resolved further, That immediately upon making such settlement, the Governor be requested to apply to the proper authorities at Washington, for the reimbursement of the amount to the Territory of Florida.

GEO. WALKER, Chairman.
J. G. COOPER,
JOHN C. PELOT,
WM. F. ENGLISH,

Which was read, and with the accompanying documents ordered to be printed.

Mr. Brockenbrough, from the Committee on the Judiciary, reported a bill to be entitled, an act to incorporate the town of Madison Court House, amended, which report was received, and said bill ordered for to-day.

A bill to be entitled, an act to repeal an act entitled an act to amend an act, concerning Dower, was read a second time, and referred to the Committee on the Judiciary.

An engrossed bill, entitled, an act to allow writs of error, in criminal cases, only upon certain conditions, was again taken up in committee of the whole, Mr. McLean in the chair. After sometime spent in its consideration, the committee rose and reported as a substitute for said bill, a bill to be entitled an act to repeal all acts allowing writs of error or appeals in criminal cases; which report was concurred in, and said bill ordered to be engrossed for to-day.

A bill to be entitled, an act to incorporate the town of Madi-

son Court House, was again read and ordered to be engrossed for to-morrow.

A bill to be entitled, an act to repeal all acts allowing writs of error or appeals in criminal cases, was read a third time, and passed—ordered that the title be as above.

The Senate then adjourned until to-morrow.

TUESDAY, January 26, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Duval gave notice that he will introduce a bill, at an early day, to suppress affrays, riots and breaches of the peace.

Mr. Pelot from the Committee on Enrolled Bills, reported as correctly enrolled, an act to repeal the last provision of the fifth section of an act entitled an act to establish a board of Wardens and Commissioners of pilotage for the port of Key West.

An engrossed bill to be entitled, "an act to incorporate the town of Madison Court House," was read a third time and passed—ordered that the title be as above.

The Senate then adjourned until to-morrow.

WEDNESDAY January 27, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Duval gave notice that on to-morrow he would introduce a bill, to be entitled, an act to amend an act concerning executions, and also a bill to be entitled an act concerning the publication of the decision of the Court of Appeals.

Mr. Duval gave notice that he will introduce a bill at some early day to suppress affrays, riots and breaches of the peace.

Mr. Walker, from the Committee on Claims, offered the following report, viz :

The Committee on Claims to whom was referred so much of the Governor's message, as relates to the subject of losses occasioned by Indian hostilities, beg leave to report :

That with a view of forwarding the final adjustment of these claims upon the General Government, by ascertaining the precise amount of such losses, as well as to perpetuate the testimony touching them, they have prepared and herewith present a bill, the passage of which, is respectfully recommended.

GEO. WALKER, Chairman.

Said bill, entitled, "an act concerning Indian depredations, and for other purposes," was read, and 50 copies ordered to be printed.

The Resolutions authorising the Governor to settle certain claims for services during the Indian war, were read and ordered for to-morrow.

The Senate received from his Excellency the Governor the following message :

[To be inserted no 61.]

Which was read and with the accompanying document ordered to be copied.

Also the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, 26 January, 1841. }

*To the Honorable the Senate
of the Legislative Council of Florida.*

I herewith transmit to you the report of the Auditor of Public Accounts, for the year 1840

The Auditor has been recently appointed to office, and labors under much disadvantage in making his report, in consequence of the absence of the Treasurer, which is occasioned by a family affliction.

ROBERT RAYMOND REID.

Which was read and with the accompanying documents ordered to be printed.

The Senate received from the House of Representatives, as adopted, a resolution requiring the Auditor to settle certain claims of Alfred A. Fisher: Which was read and referred to the Committee on Claims.

The Senate then adjourned until to-morrow.

THURSDAY, January 28, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Duval agreeable to previous notice, asked and obtained leave to introduce a bill, to be entitled, "an act concerning the publication of the decision of the Court of Appeals."

Also a bill to be entitled, an act to amend the several acts concerning Executions, which were twice read, the rule being waived, and referred to the Committee on the Judiciary.

Mr. Walker offered sundry resolutions for the relief of Mrs. Amanda M. Dade; which were twice read, the rule being waived and unanimously adopted.

The same from the Committee on Claims made the following report:

The Committee on Claims to whom was referred the resolution of the House of Representatives, with documents touching the claims of A. A. Fisher, recommend the adoption of said resolution.

GEO. WALKER, Chairman.

Said resolution was again read and adopted.

The Senate went into committee of the whole, Mr. Livingston in the chair, upon sundry resolutions for the payment of the troops commanded by Col. Robert Brown and Major Isaac Garrison. After some time spent in their consideration, the committee rose and reported said resolutions amended—which report was concurred in, and said resolutions ordered to be engrossed for to-day.

The Senate received from his Excellency the Governor the following message, viz:

EXECUTIVE DEPARTMENT, }
Tallahassee, January 27, 1841.

To the Legislative Council of Florida.

I respectfully inform you that I have approved the "act to repeal the last provision of the fifth section of" an "act entitled an act to establish a board of Wardens and Commissioners of Pilotage for the port of Key West."

ROBERT R. REID.

The Senate went into secret session on certain nominations of his Excellency the Governor.

The resolutions authorising the Governor to pay the troops commanded by Col. Robert Brown and Major Isaac Garrison, were again read and unanimously adopted.

The Senate then adjourned until to-morrow.

FRIDAY, January 29, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Duval gave notice that he would introduce a bill at some early day, to prevent breaches of the peace, and more effectually to preserve order.

Mr. English offered the following resolution:

Be it Resolved by the Senate and House of Representatives, That both houses do adjourn *sine die* on Friday the 12th of February.

Which was read and ordered for to-day.

Mr. Livingston offered sundry resolutions appointing a joint committee to enquire whether the contract entered into by Jas. D. Westcott, Jr. and John P. Booth for the compilation and publishing of the Laws of Florida from 1832 to 1834, has been complied with or not.

Said resolution was twice read, the rule being waived, and adopted.

Mr. English offered the following resolution and preamble:

Whereas, under the law of this Territory ten per cent on the actual receipt of all sales at public auction is reserved for school purposes, and whereas the auctioneers appointed in the counties of Monroe and Dade have paid over the same ten per cent, set apart for the use of the schools of said counties, into the Territorial Treasury.

Be it therefore Resolved by the Senate and House of Representatives, That the Treasurer be and he is hereby directed to pay over to the Judges of the county courts of Monroe and Dade counties, ten per cent of all the money received into the Treasury from sales at auction since the passage of the law authorizing the same.

Be it further Resolved, That the several auctioneers in the said counties, pay over to the Judges of the County Courts, ten per cent on the receipt of all monies arising from auction sales, and the receipt of the Judges of said County Courts shall be received by the Auditor and Treasurer of the Territory, as so much money paid by the said auctioneer or auctioneers.

Which was read.

The resolution of the same in relation to adjournment were again read and adopted.

The Senate received from the House of Representatives, as adopted without amendment, the resolutions before passed by the Senate, for the relief of Mrs. Amanda M. Dade.

Also an act to incorporate the town of Madison Court House,

Also as passed, with amendments, "an act to repeal the (3d) third and (8th) eighth sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier and for other purposes," approved 2d March, 1839. Which was referred to the Committee on the Militia.

Also as passed, a bill to be entitled, an act to authorise Luther Taylor to establish a ferry across the Escambia River; which was referred to the Committee on the State of Territory.

Also a bill, entitled, an act to incorporate the Methodist Episcopal Church in the city of Tallahassee; which was read.

The Senate then adjourned until to-morrow.

SATURDAY, January 30, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Walker gives notice, that he will introduce a bill to increase the number of Senators.

Mr. Dupont, agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled, an act in relation to public elections.

Which was ordered for to-day.

Mr. Walker, from the Committee on the Judiciary, made the following report:

The Judiciary Committee, to whom was referred a bill providing for the appointment and compensation of a Reporter of the decisions of the Court of Appeals, report, that they regard the subject as highly important, yet when they consider the present poverty of the Treasury, the large demands now existing against it, and the pressure of the times, they feel themselves forbid from advising the passage of any act which would create additional demands upon the community.

(Signed)

GEO. WALKER.

Which was read and ordered for to-day.

The same from the same committee reported unfavorably to a bill entitled an act to amend the several acts concerning executions. Said bill was ordered for to-day.

Mr. Dupont from the Committee on Claims, made the following report:

The Committee on the State of the Territory, to whom was

referred the memorial of Mrs. Ann F. Perrine, (widow of the late lamented Doct. Henry Perrine,) asking of the Legislative Council, "to pass a law authorising and appointing her a trustee and manager (of the Tropical Plant Company of Florida,) in the place of her deceased husband; giving her the power and authority he would have possessed, had he been now living;" having had the same under consideration, beg leave, respectfully, to report,

That they have referred to the act, incorporating the said company, and after an attentive examination of its provisions, have unanimously arrived at the conclusion, that the prayer of the memorialist cannot be granted without danger of interfering with the chartered privileges of such stockholders, as may have acquired *vested rights*, under the act of incorporation. By reference to the tenth section of said act, it will be seen, that ample provision is made for supplying any vacancy that might occur in the Board of Trustees; thereby providing against the dissolution of the corporation.

All of which is respectfully submitted, and the committee beg to be discharged from the further consideration of the said memorial.

C. H. DUPONT, *Chairman*.
D. G. McLEAN.

Which was read and ordered for to-day.

Mr. Pelot, from the Committee on Militia, made following report:

The Committee on Militia, to whom was referred the amendment made by the House of Representatives, to an act to repeal the 3d and 8th section of an act to authorise the Governor of Florida, to raise troops for the defence of the frontier, and for other purposes, approved, 2d March, 1839; do report favorably of such amendment;

Which was ordered for to-day.

A bill to be entitled, an act to incorporate the Methodist Episcopal Church, in the City of Tallahassee;

Was read a second time, and ordered to be engrossed.

The preamble and resolution of Mr. English, in relation to the school funds of Munroe and Dade counties; was referred to the committee on Schools and Colleges.

A bill to be entitled, an act in relation to public elections, was read, and fifty copies ordered to be printed.

A bill to be entitled, an act concerning the publication of the decisions of the Court of Appeals.

Also a bill to be entitled, an act to amend the several acts concerning executions, were ordered for Monday.

The report of the Committee on the State of the Territory,

on the memorial of Mrs. Ann F. Perrine, was again read and concurred in.

The report of the Committee on Militia in relation to a bill to be entitled, an act to repeal the 3d and 8th sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839, was read, concurred in, and said bill ordered to be engrossed.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT, }
Tallahassee, January 29, 1841. }

To the Legislative Council of Florida :

The absence of the Treasurer of the Territory having been longer than was anticipated by that officer and myself, at the time of his departure for New Orleans, I submit for the information of the Legislative Council, a report made to me in December last, at my special request.

ROBERT RAYMOND REID.

Which was read, ordered to be printed, and referred to the Committee on Finance.

Mr. Dupont offered the following resolution :

Resolved, That the Governor be requested to cause to be communicated to the Senate forthwith, a report from the Treasury Department showing what arrearages are now due to the Territorial Treasury, from whom due and what steps have been taken to collect the same, under the provisions of the several laws passed to enforce the collection thereof.

Which was twice read, the rule being waived, and adopted.

The message of his Excellency the Governor, inclosing the presentments of the Grand Jury of Duval county, was referred to the Committee on the State of the Territory.

The Senate went into secret session on certain nominations of his Excellency the Governor ; on motion the doors were opened and the Senate adjourned until Monday.

MONDAY, February 1, 1841,

The Senate met pursuant to adjournment and Saturday's proceedings were read.

On motion of Mr. Walker, a bill to be entitled an act concerning Indian depredations and for other purposes, was taken from the table and ordered for to-day.

Mr. Duval agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled an act to prevent breaches of the peace and more effectually to preserve order, which was read a first and second time, ordered to be printed, and referred to the Committee on the Judiciary.

Mr. Pelot from the Committee on Enrolled Bills made the following report :

The Committee on Enrollments beg leave to report, that they have found a bill to incorporate the town of Madison Court House, and certain preamble and resolutions for the relief of Mrs. Amanda M. Dade, to be properly enrolled.

Mr. Livingston presented the petition of Mrs. Martha Blackwell. Which was read and referred to the Committee on the Judiciary.

An act to incorporate the Methodist Episcopal Church in the city of Tallahassee, was read a third time and passed—ordered that the title be as above.

The Senate went into a committee of the whole. Mr. Livingston in the chair, on the report of the Judiciary Committee, on a bill providing for the appointment and compensation of a reporter of the decision of the Court of Appeals. After some time spent in its consideration, the committee rose and reported a substitute for said report.

Which was concurred in.

The Senate went into committee of the whole, Mr. English in the chair, on a bill to be entitled, an act concerning the publication of the decisions of the Court of Appeals. After some time spent in its consideration, the committee rose and reported as a substitute for said bill, the following resolution :

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress be requested to obtain from Congress an annual appropriation to be applied to the publication of the report of the decisions of the Court of Appeals.

Which report was concurred in.

A bill to be entitled an act to amend the several acts concerning Executions, was read a second time and laid on the table.

An engrossed bill to be entitled an act to repeal the 3d, 8th, and a part of the 9th sections of an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839, was read a third time and passed.

The Senate went into a committee of the whole, Mr. Pelot in the chair, on a bill to be entitled an act concerning Indian depredations and for other purposes. After some time spent in

its consideration, the committee rose, reported progress, and asked leave to sit again.

The Senate received from the House of Representatives, as unanimously adopted, certain preamble and resolutions before passed by the Senate, providing for the payment of the troops under Col. Robert Brown and Major Isaac Garrison.

Also as passed by the House of Representatives, an act to authorise Daniel Campbell to establish a ferry across the Escambia river. Which was read.

Also as adopted by the House of Representatives, a preamble and resolution, relative to a road from Jacksonville to Iola.— Which was twice read, the rule being waived, and adopted.

The Senate then adjourned until to-morrow.

TUESDAY, February 2, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Pelot from the Committee on Enrolled Bills, reported as correctly enrolled, an act to repeal the 3d, 8th and a part of the 9th sections of an act entitled, an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839.

A bill to be entitled, an act concerning Indian depredations and for other purposes, was ordered for to-morrow.

A bill to be entitled an act to authorise Daniel Campbell to establish a ferry across the Escambia river, was read a second time, and referred to the Committee on the State of the Territory.

The Senate received from the House of Representatives, as amended, a bill before passed by the Senate, entitled, an act to repeal all acts allowing writs of error or appeals in criminal cases. Which was read, and referred to the Committee on the Judiciary.

Mr. Walker from the Judiciary Committee, reported a bill to be entitled, an act to alter and change the name of Martha Blackwell, of Jefferson county, in this Territory, to Martha Triplett.

On motion, the title of said bill was amended by striking out

all after the word "county." Said bill was read a third time and passed—ordered that the title be as above.

The Senate went into secret session on certain nominations of his Excellency the Governor; on motion, the doors were opened, and the Senate adjourned until to-morrow.

WEDNESDAY, February 3, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Dupont gives notice that he will on to-morrow ask leave to introduce a bill for the relief of M. H. Martin

Mr. Dupont obtained leave without previous notice, to introduce a bill to be entitled, an act to amend the acts in reference to the Tallahassee Fund. Which was twice read, the rule being waived, and referred to the Committee on the Judiciary.

The Senate again went into committee of the whole, Mr. Pelot in the chair, on a bill to be entitled, an act concerning Indian depredations, and for other purposes. After some time spent in its consideration, the committee rose and reported said bill as amended. On the question of concurring in said report, Mr. Dupont offered as a substitute for said bill a bill to be entitled an act to perpetuate testimony in relation to Indian depredations, on which question he seconded by Mr. Livingston, called for the yeas and nays, which were

Yeas—Mr. President, Messrs. Dupont, Livingston, and McLean, 4.

Nays—Messrs. Cooper, English, Pelot, and Walker, 4.

So said substitute was lost.

Mr. Livingston then offered the following as an additional section to said bill, viz :

Be it further enacted, That it shall be lawful for any person who may have suffered any loss of property by depredations committed since the commencement of the present Indian war, upon filing in the Superior Court within whose jurisdiction the losses are alleged to have been sustained, his application in writing, stating the full grounds of the claims, and the circumstances attending the same, and upon giving ten days notice thereof, to the District Attorney, to proceed in open Court, to establish the

same by such testimony as may be deemed by the Court to be pertinent to the case.

On the adoption of which, he, seconded by Mr. English, called for the yeas and nays, which were

Yeas—Mr. President, Messrs. Dupont, and Livingston, 8.

Nays—Messrs. Cooper, English, McLean, Pelot, Walker, 5.
So said amendment was lost.

On motion the report of the committee on the whole, was concurred in, and said bill ordered to be engrossed for to-morrow.

The Senate received from the House of Representatives, as adopted, a resolution requesting the Delegate in Congress to obtain from Congress an annual appropriation for the publication of the reports of the decisions of the Court of Appeals.

Also as passed by the House of Representatives, an act to incorporate the town of Jacksonville. Also, a bill to be entitled, an act to amend an act entitled an act to establish a Board of Port Wardens and Commissioners of Wrecks for the port of Apalachicola.

Also an act to establish an Academy in the county of Leon, and to incorporate the Trustees thereof. Which were read a first and second time, and ordered for to-morrow.

Also a resolution for the relief of Edward Bolan, late Jailor of Calhoun county. Which was read and referred to the Committee on Claims.

Also an act to incorporate the town of Mandarin; which was read a first and second time, and referred to the Committee on the State of the Territory.

Also an act to incorporate the first Baptist Church of Jacksonville; which was read a first and second time, and referred to the Committee on the State of the Territory.

Also a bill to be entitled an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes, was read a first and second time, and referred to the Committee on the State of the Territory.

The Senate received from his Excellency the Governor the the following communication, viz:

EXECUTIVE DEPARTMENT, }
Tallahassee, February 3, 1841. }

To the Legislative Council of Florida.

I herewith transmit the annual report of the Commissioner of the city of Tallahassee for the past year.

ROBERT RAYMOND REID.

Which with the accompanying documents was laid on the table, and ordered to be printed.

Also the following:

EXECUTIVE DEPARTMENT, }
Tallahassee, February 3, 1841. }

To the Legislative Council of Florida.

I respectfully inform you, that I have approved the resolution for the payment of Alfred A. Fisher, for rent of room for Jail and guarding prisoner.

ROBERT RAYMOND REID.

The Senate went into secret session on certain nominations of his Excellency the Governor. On motion, the doors were opened, and the Senate then adjourned until to-morrow.

THURSDAY, February 4, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Dupont gives notice that he will on to-morrow ask leave to introduce a bill to be entitled, an act to perpetuate testimony in relation to Indian depredations committed in the Middle District of Florida.

The same agreeable to previous notice asked and obtained leave to introduce a bill to be entitled, an act for the relief of M. H. Martin. Which was read and ordered for to-day.

Mr. Walker from the Committee on the Judiciary, reported a bill to be entitled, an act to amend the acts in reference to the Tallahassee Funds, with amendments.

Also an act regulating appeals and writs of error in criminal cases, without amendment. Which report was received, and said bills ordered for to-day.

Mr. Livingston from the Committee on Schools and Colleges made the following report:

The Committee on Schools and Colleges to whom was referred sundry resolutions, in relation to the poor schools fund for the counties of Munroe and Dade, ask leave to report the following preamble and resolution, as a substitute for the original.

Which was received, and said resolution ordered for to-day.

Mr. Dupont from the Committee on the State of the Territory, made the following report:

The Committee on the "State of the Territory" to whom was referred two bills, the one entitled "an act to incorporate

the first Baptist Church of Jacksonville," and the other entitled, "an act to incorporate the town of Mandarin," respectfully recommend the same, (without amendment) to the favorable action of the Senate, and beg to be discharged from the further consideration thereof.

The committee would, however, respectfully suggest for the consideration of the Senate, whether it might not comport better with sound policy and strict justice, to require, in all cases where bills are presented to incorporate towns, or for the purpose of amending the charters thereof, that the same be accompanied by a memorial or petition of the corporators, stating the terms upon which they may wish to be incorporated. The propriety of the rule proposed must be so apparent to the Senate, that the committee will not consume time in enforcing it by argument.

All of which is respectfully submitted.

C. H. DUPONT, Chairman.

D. G. McLEAN.

Which was concurred in, and said bill ordered for to-day

Mr. Pelot from the Committee on Enrollments, reported as correctly enrolled, a resolution requesting the Delegate in Congress to obtain from Congress an annual appropriation for the publication of the reports of the decisions of the Court of Appeals.

An engrossed bill to be entitled, an act concerning Indian depredations and for other purposes, was read a third time; on the passage of said bill the ayes and nays were called by Messrs. Dupont and Walker, and were

Ayes—Mr. President, Messrs. Cooper, English, McLean, Pelot and Walker.

Nays—Messrs. Dupont and Livingston.

So said bill passed, ordered that the title be as above.

A bill to be entitled, an act to incorporate the town of Jacksonville, was read a third time and passed—ordered that the title be as above.

A bill to be entitled, an act to amend an act entitled an act to establish a board of Port Wardens and Commissioners of Wrecks for the Port of Apalachicola, was read a third time and passed; ordered that the title be as above.

A bill to be entitled, an act to establish an Academy in the county of Leon and to incorporate the Trustees thereof, was read a third time and passed; ordered that the title be as above.

The Senate went into committee of the whole, Mr. Cooper in the chair, on a bill to be entitled, an act in relation to Public Elections. After some time spent in its consideration, the committee rose, reported progress, and asked leave to sit again.

A bill to be entitled, an act for the relief of M. H. Martin, was read a second time and referred to the Committee on Claims.

Mr. English, the rule being waived, introduced the following resolution:

Resolved, That the Committee on Elections be instructed to draft and report a bill conformable to the viva voce mode of voting.

Which was adopted.

A bill to be entitled, an act to amend the acts in reference to the Tallahassee Fund, was read a second time, and — copies ordered.

The Senate concurred in the amendments made by the House of Representatives to an act regulating appeals and writs of error in criminal cases.

The substitute offered by the Committee on Schools and Colleges for the resolutions in relation to the poor school fund for the counties of Monroe and Dade, was again read and adopted.

An act to incorporate the first Baptist Church of Jacksonville, was read a third time and passed—title as above.

An act to incorporate the town of Mandarin, was read a third time and passed—title as above.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT, }
Tallahassee, February 3, 1841. }

To the Legislative Council of Florida.

I herewith enclose the letter and report of the Treasurer on the school and land fund for the year 1840.

ROBERT RAYMOND REID.

Which with the accompanying documents were ordered to be printed.

The Senate received from the House of Representatives, as passed, an act to alter and change the name of Martha P. Blackwell of Jefferson county. Also as indefinitely postponed, the resolution before passed by the Senate in relation to the final adjournment of both Houses.

The Senate then went into secret session on Executive nominations, on motion the doors being opened, the Senate adjourned until to-morrow.

FRIDAY, February 5, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Pelot agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to prevent duelling. Which was read, laid on the table and ordered to be printed.

On motion, the resolution that the committee on elections be instructed to draft and report a bill conformable to the viva voce mode of voting, was re-considered and ordered for to-day.

Mr. Cooper offered a preamble and resolution relative to the Bank of Jacksonville. Which was read.

Mr. Walker from the Committee on the Judiciary reported without amendment, a bill to be entitled, an act for the relief of M. H. Martin; said bill was read a third time and passed—ordered that the title be as above.

The same from the Committee on the Judiciary reported unfavorably on a resolution for the relief of Edward Bolen.

Also, the same from the same committee reported an act to aid the administration of justice in the Southern District of Florida. Which was read a first and second time, and ordered to be engrossed for to-morrow.

Also an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color, without amendment.

Mr. Pelot from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act to change the name of Martha P. Blackwell to the name of Martha P. Triplett.

Also a bill to be entitled, an act regulating appeals and writs of error in criminal cases.

Mr. Dupont from the Committee on the State of the Territory made the following report:

The Committee on the State of the Territory, to whom were referred two bills, the one to authorize Daniel Campbell to establish a ferry across the Escambia River, and the other to authorize Louther Taylor to establish a ferry across the Escambia River, being unable to agree upon a report, beg leave to be permitted to return the bills to the Senate, and to be discharged from the further consideration thereof.

C. H. DUPONT, Chairman.

D. G. M'LEAN.

The resolution instructing the committee on elections to draft and report a bill conformable to the viva voce mode of voting, was again read, and on its passage, the ayes and nays were called for by English and Livingston, and were:

Yeas—Mr. President, Messrs. Cooper, English and Livingston, 4.

Nays—Messrs. Dupont, McLean, Pelot and Walker, 4.

So said resolution was lost.

The Senate again went into committee of the whole, Mr. Cooper in the chair, on a bill to be entitled, an act in relation to public elections. After some time spent in its consideration, the committee rose, and reported said bill, as amended. Which was concurred in, and said bill ordered for to-morrow.

A bill to be entitled, "an act to amend the acts in reference to the Tallahassee Fund." was read, amended, and ordered to be engrossed for to-morrow.

The resolution for the relief of Edward Bolen, late Jailor of Calhoun county, was again read, and recommitted to the Committee on Claims.

A bill to be entitled, an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color, was read a second time and ordered to be engrossed for to-morrow.

An act to authorise Daniel Campbell to establish a ferry across the Escambia river, was read a third time and passed—ordered that the title be as above.

A bill to be entitled, an act to authorise Louthier Taylor to establish a ferry across the Escambia river, was read a third time and passed—ordered that the title be as above.

The Senate went into secret session on certain nominations of his Excellency the Governor; on motion, the doors were opened and the Senate then adjourned until to-morrow, 10 o'clock.

SATURDAY, February 6, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. English offered a resolution that the Senate in future convene at ten instead of eleven o'clock. Which was read.

Mr. Walker from the Committee on Claims made the following report:

The committee to whom was referred a resolution of the House with sundry documents, relative to the claim of E. Bolen, report: That it appears from said papers that Bolen, as Jailor of Calhoun county, entered into an agreement with the Marshal

of the Apalachicola District, to keep two prisoners for a specified period, at a stipulated price; and having disputed with the Marshal touching the contract, resorts to the Legislature for relief in the premises. Agreeable to the terms of said contract, the Marshal was to pay Bolen five dollars per day, for the keeping of said prisoners; and at that rate he now seeks to be paid from the Territorial Treasury.

The committee cannot recognize any contract made for such a purpose; the laws authorize no such agreement; and the countenance of such by the Legislature, they believe, would be productive of mischief in the execution of the criminal laws.

The laws point out the duties of officers; the best rule is for them to keep to their duties strictly, and performing these strictly no blame can attach whatever may happen.

The resolution of the House being based upon the charges fixed in the contract alluded to, which charges greatly exceed those allowed by law, the committee cannot recommend the adoption of said resolution, and they decline to modify it.

All of which is submitted for the consideration of the Senate, and the committee beg to be discharged.

GEO. WALKER, Chairman.

Which was read and ordered for to-day.

Mr. Livingston from the committee on Banks made the following report:

The Committee on Banks to which was referred so much of the Governor's Message as relates to the depreciation of our currency, beg leave respectfully to report:

That the subject has received that serious and anxious consideration from the Committee which its importance and difficulty demanded. The unfortunate position of our credit and currency is obvious to all, and the demand for a remedy is loud and universal. But the difficulty is to provide such a remedy as will be at the same time effectual and not be ruinous; while all feel the evil and can complain, few even suggest a remedy, and none of the few suggested seem perfectly satisfactory.

Your Committee have endeavored to avoid the violation of "chartered rights," and the "obligations of contracts" behind which Banks always entrench themselves when Legislatures make an effort to compel them to respect their own charters and contracts, by providing more speedy and efficient remedies for persons who may suffer by the bad faith of Banks, giving the appropriate remedy to the person wronged. Our right to legislate upon remedies can not be disputed, and the effect of our action can not be avoided or evaded by subtle technical or metaphysical difficulties.

Entertaining the opinion that the bill proposed would be effectual in compelling specie payments by placing the proper arms in the hands of the persons injured, your committee thought that the immediate operation of such a bill would ruin the banks of Florida, and thereby defeat our own object and ruin many for the benefit of the few. After diligent inquiry your Committee was satisfied that the Banks of Florida could not bear the operation of such a bill prior to the spring of 1842, which

length of time would give them ample notice, another crop, and several terms of court, by which their circulation might be collected.

The choice was between giving this length of time and passing an efficient bill to operate then, or giving a shorter time and passing a mere useless order to resume, to be as impotent and ineffectual as the mandates of their charters.

This time also was thought fair to the Banks, and necessary to enable their numerous debtors to meet their payments if possible. We are aware that extravagance in some, misfortune in others, and in many a concurrence of both, have caused a large amount of indebtedness in the community, which it will cause labor, distress, and sacrifice to meet. But it would seem just and right that those who have consumed the property of others, or purchased and held it with the hope to grow rich without labor, by speculation, should at least begin to prepare to pay for it, by some of that economy, labor, and sacrifice which they have forced upon others, and that even the unfortunate should bear the burthen *themselves* to the extent of their property, and not be able, by the operation of mischievous legislation and improvident banking, always to shift the evils of their imprudence or bad fortune, upon the more fortunate or prudent community, enhanced as those evils are by the very system by which the change is effected.

Your committee entertain a sanguine hope that the passage of a bill of the nature proposed will, of itself, have a decided tendency to restore our credit. It will shew that we intend to enforce the payment of debts, that the banks can be reached, and compelled to comply with their obligations, without violating their charters—and that we are *in earnest* in our measures, by placing proper and effectual remedies in the hands of the persons wronged, whilst the length of time we give is so liberal, as to enable all banks and other persons to prepare for the change, who can reasonably hope to meet the crisis *successfully*. The passage of such a bill as is proposed would at least give a visible *fixed limit* to the present state of derangement, and indefinite depreciation.

It is believed that the passage of such a bill would cause the notes of our banks to rise at once. The banks must call them in or be ruined; individuals must seek them or more costly funds, or their property must be sold. Thus the supply will diminish, whilst the demand will increase, and the value must enhance. So that it is presumed that long before the time limited, the notes will appreciate by the silent operation of such a bill, and a very small amount of specie will enable the banks to resume.

The crisis once passed, your committee believes that the character of the remedies proposed would prevent any such future mismanagement, as would lead to a suspension of payment, in as much as it would then be followed by extravagant losses if not ruin, instead of a season of inordinate profits.

With these views the Committee with great diffidence report the annexed bill, as the best they could devise to effect the proposed objects, in the *present state of our affairs*, with the hope that with such amendments and alterations as may be suggested by the wisdom of the Senate and House of Representatives, some practical good may result.

W. H. BROCKENBROUGH, Chairman,
MADISON C. LIVINGSTON,
D. G. McLEAN.

Of which two hundred copies were ordered to be printed.

Mr. Dupont from the Committee on the Judiciary reported

favorably to a bill to be entitled, an act to repeal an act entitled an act to amend an act concerning Dower.

The same from the Committee on the State of the Territory made the following report, viz:

The Committee on the State of the Territory to whom were referred the bill to be entitled, an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes, having had the same under consideration, beg leave to report the bill with sundry amendments.

C. H. DUPONT, Chairman.

D. G. McLEAN.

Which was read and ordered for Monday.

The preamble and resolution in relation to the Bank of Jacksonville, was ordered for Monday.

The Senate went into committee of the whole, Mr. Peltot in the chair, on a bill to be entitled, an act to aid the administration of justice in the Southern District of Florida. After some time spent in its consideration, the committee rose and reported said bill as amended. Which was concurred in, and said bill ordered to be engrossed.

A bill to be entitled, an act in relation to public elections, was read a third time and passed—ordered that the title be as above.

An engrossed bill to be entitled, an act to amend the acts in reference to the Tallahassee Fund, was read a third time and passed—ordered that title be as above.

The Senate went into committee of whole, Mr. McLean in the chair, on a bill to be entitled, an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color. After some time spent in its consideration, the committee rose, reported progress, and asked leave to sit again.

An act to prevent breaches of the peace and more effectually to preserve order, was read and ordered for Monday.

The report of the committee on claims on a resolution for the relief of Edward Bolen was concurred in, and said resolution indefinitely postponed.

A bill to be entitled, an act to repeal an act entitled an act to amend an act concerning Dower, was read and ordered to be engrossed for Monday.

The Senate received from the House of Representatives, as passed, an act to amend an act entitled an act constituting a Board of Wardens, Commissioners of Pilotage and Commissioners of Wrecks, &c. for the port of Jacksonville, and other places therein provided for, approved February 28, 1839, was read a first and second time and ordered for Monday.

Also a bill to be entitled, an act to authorise Henry Lander to establish and keep a ferry across the St. Marks river opposite

the city of Port Leon in the county of Leon, which was read a first and second time, and referred to the Committee on the State of the Territory.

The Senate then went into secret session on certain nominations of his Excellency the Governor; on motion, the doors were opened, and the Senate adjourned until Monday, 12 o'clock, M.

MONDAY, February 8, 1841.

The Senate met pursuant to adjournment and Saturday's proceedings were read.

On motion of Mr. Livingston, the report of the Bank Committee on so much of the Governor's message as relates to the depreciation of our currency, was with the accompanying bill, taken from the table and ordered for to-day.

The report of the Committee on the State of the Territory, on a bill to be entitled, an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes, was laid on the table. On motion, the Senate went into committee of the whole on said bill, Mr. English in the chair. After some time spent in its consideration, the committee rose, and reported progress, and ask leave to sit again.

Said bill was laid on the table and seven copies ordered.

A preamble and resolution in relation to the Bank of Jacksonville was read a second time and adopted.

An engrossed bill entitled, an act to aid the administration of justice in the Southern District of Florida, was read a third time and passed—ordered that the title be as above.

The Senate again went into committee of the whole, Mr. McLean in the chair, on an act to establish a Court for the trial of crimes and misdemeanors committed by slaves and free persons of color. After some time spent in its consideration, the committee rose and reported the bill as amended. Said bill was ordered to be engrossed for to morrow.

The Senate then adjourned until half past 3 o'clock.

½ PAST 3 O'CLOCK, February 8, 1841.

The Senate met pursuant to adjournment.

The Senate went into committee of the whole, Mr. English in the chair, on an act to prevent breaches of the peace and more effectually to preserve order. After some time spent in its consideration, the committee rose and reported said bill as amended.

Which was ordered to be engrossed for to-morrow.

A bill to be entitled, an act to repeal an act entitled an act to amend an act concerning Dower, was read a third time and passed—ordered that the title be as above.

An act to amend an act entitled an act constituting a Board of Wardens, Commissioners of Pilotage and Commissioners of Wrecks, &c. for the port of Jacksonville, and for other places therein provided for, approved February 28th, 1839, was read a third time and passed—ordered that the title be as above.

A bill to be entitled, an act to prevent duelling, was ordered for to-morrow.

Also an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes.

Also an act to require specie payments and to provide remedies for the violation of charters and contracts by the banks of Florida.

The Senate received from the House of Representatives, as passed, an act to provide for the appointment of Clerks of Markets.

Also an act to extend the power of the Port Wardens of Pensacola in Escambia county. Which were read a first and second time, the rule being waived, and referred to the Committee on the State of the Territory.

Also a bill to be entitled, an act to allow Laurence O. Branch to practice law in the Courts of this Territory. Which was twice read and referred to the Committee on the Judiciary.

Also a bill entitled, an act to organise the St. Augustine City Guards. Which was twice read and referred to the Committee on the Militia.

On motion Mr. Livingston was added to said committee.

The Senate received from his Excellency the Governor the following message, viz :

EXECUTIVE DEPARTMENT, }
Tallahassee, February 8, 1841. }

To the Legislative Council of Florida.

Enclosed herewith, is the report of the Auditor, containing

the information required by a resolution of the Senate of the 28th January, 1841.

ROBERT RAYMOND REID.

Which was laid on the table, and fifty copies with the accompanying documents ordered to be printed.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, February 6, 1840.

To the Legislative Council of Florida:

I respectfully inform you that I have approved the following Acts and Resolutions of the Legislative Council:

1. An act regulating appeals and writs of error in criminal cases.
2. An act to alter and change the name of Martha P. Blackwell of Jefferson county.
3. An act to incorporate the town of Madison Court House.
4. An act to incorporate the Methodist Episcopal Church in the city of Tallahassee.
5. An act to repeal the third, eighth and part of the ninth sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier and for other purposes, approved 2d March, 1839.
6. A preamble and resolutions relative to appropriations made by Congress and not expended for the repairs of certain roads, &c.
7. A resolution relative to an annual appropriation for the publication of the reports of the decisions of the court of appeals.

ROBERT RAYMOND REID.

Which was read.

The Senate then adjourned until to-morrow.

TUESDAY, February 9, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Duval presented the petition of Thomas Brown; which was referred to the Committee on Claims.

Mr. Livingston offered the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the finishing of the capitol at Tallahassee, be referred to the

Committee on the State of the Territory, with jurisdiction to report by bill or otherwise at as early a day as possible.

Which was twice read, the rule being waived, and adopted.

Mr. Walker from the Judiciary Committee reported a bill to be entitled, an act to allow Laurence O. Branch to practice law in the courts of this Territory, without amendment. Which was ordered for to-day.

Mr. Dupont from the Committee on the State of the Territory, reported favorably on a bill to be entitled an act to extend the power of the Port Wardens for the Port of Pensacola in Escambia county; which was ordered for to-day.

The same from the same, made the following report, viz:

The Committee on the State of the Territory to whom was referred a bill to be entitled, an act to provide for the appointment of clerks of markets, being unable to agree upon a report, beg to be permitted to return the same to the Senate, and to be discharged from the further consideration thereof.

C. H. DUPONT, Chairman.

D. G. M'LEAN.

Said bill was ordered for to-day.

The same from the same made the following report:

The Committee on the State of the Territory to whom was referred a bill to be entitled, an act to authorise Henry Lander to establish and keep a ferry across the St. Marks River opposite the city of Port Leon, in the county of Leon, beg leave to report:

That by various acts of the Legislative Council, heretofore passed, the authority to establish, control and regulate ferries, is confided wholly to the County Courts of the respective counties. This disposition of the subject, was doubtless, intended to relieve the Legislative Council from much useless and frequently improvident legislation upon a subject which from its very nature could be more wisely disposed of by the local authorities of the several counties, and it is to be regretted, that after the passage of these general laws, the Legislature should ever again have entertained the subject. But it having been solemnly decided by the action of the Legislature, at its present session, that the general laws on this subject may be superseded by application to the Legislative Council. The committee have confined their attention alone to the provisions of the bill; these they find to be such as are usual in bills of the like nature. They therefore recommend it to the favorable consideration of the Senate.

C. H. DUPONT, Chairman.

D. G. M'LEAN.

Said bill was ordered for to-day.

Mr. Pelot from the Committee on Militia made the following report:

The Committee on Militia, having had under consideration, a bill entitled, an act to organise the St. Augustine City Guards, beg leave to report the same without amendment.

JOHN C. PELOT.

Said bill was ordered for to-day.

On motion of Mr. Livingston the report of the Committee of the Tallahassee Fund, was taken from the table and referred to the Committee on the State of the Territory.

An engrossed bill to be entitled, an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color, was read a third time and passed—ordered that the title be as above.

An engrossed bill entitled, an act to prevent breaches of the peace, and more effectually to preserve order, was read a third time and passed—ordered that the title be as above.

A bill to be entitled, an act to prevent duelling, was read a second time, and ordered for to-morrow.

The Senate went into committee of the whole, Mr. English in the chair, on an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes.—After some time spent in its consideration, the committee rose, and reported said bill with sundry amendments. Which were ordered to be engrossed for to-morrow.

A bill to be entitled, an act require specie payments, and to provide remedies for the violation of charters and contracts by the Banks of Florida, was read a second time and ordered for to-morrow.

A bill to be entitled, an act to authorise Laurence O. Branch to practice law in the Courts of this Territory, was read a third time and passed—ordered that the title be as above.

A bill to be entitled, an act to extend the powers of the Port Wardens for the port of Pensacola in Escambia county, was read a third time and passed—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Livingston in the chair, on a bill to be entitled, an act to provide for the appointment of clerks in markets. After some time spent in its consideration, the committee rose and reported a substitute for said bill; which was received and ordered to be engrossed for to-morrow.

A bill to be entitled, an act to authorise Henry Lander to establish and keep a ferry across the St. Marks River, opposite the city of Port Leon, in the county of Leon. Which was read a third time, and on the question of its passage, the yeas and nays were called by Messrs. Livingston and Dupont, and were:

Yeas.—Messrs. Cooper, Dupont, English and Walker, 4.

Nays.—Mr. President, Messrs. Livingston, McLean and Pelot, 4.

So said bill was lost.

A bill to be entitled, an act to organise the St. Augustine City Guards, was read a third time; on the question of its passage, the yeas and nays were called by Messrs. Dupont and Walker, and were:

Yeas—Mr. President, Messrs. Cooper, English, Livingston, Pelot and Walker, 6.

Nays—Messrs. Dupont and McLean, 2.

So said bill passed.

The Senate received from the House of Representatives, as passed, an act to amend an act declaring Juniper Creek in Escambia county a navigable stream. Which was read, the rule waived, and passed—ordered that the title be as above.

Also as passed without amendment, an act for the relief of M. H. Martin.

The Senate then adjourned until to-morrow.

WEDNESDAY, February 10, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Duval offered the following resolution:

Be it Resolved by the Senate and House of Representatives of the Legislative Council of Florida, That the Governor be requested to appoint as Justice of the Peace, the Mayors or Intendants of the several cities and towns in the Territory, as such officers cannot, under the Organic Law, act as Justices of the Peace ex-officio, and their appointment as such is considered necessary to carry into effect, an act to prevent breaches of the peace and more effectually to preserve order, passed at the present session.

Which was read.

Mr. Dupont from the Committee on the State of the Territory, made the following report:

The Committee on the State of the Territory to whom was referred, by a resolution of the Senate, so much of the Governor's message as relates to the unfinished state of the Capitol,

having had the same under consideration, beg leave to report :

That they have drafted (and herewith present to the Senate for their consideration) a memorial to Congress, asking a further appropriation of thirty thousand dollars, to be applied to the completion of the building. The committee have been guided in the amount asked for, by the views of the commissioner, who is of opinion that thirty thousand dollars will be amply sufficient to complete the work, according to the original plan. All of which is respectfully submitted.

C. H. DUPONT, Chairman.

D. G. McLEAN.

Which was read, and with the accompanying memorial adopted.

The Senate went into committee of the whole, Mr. English in the chair, on a bill to be entitled, an act to prevent Duelling. After some time spent in its consideration, the committee rose, reported progress and ask leave to sit again.

An engrossed bill entitled an act to incorporate the New Orleans, Florida and Atlantic Transportation Company in Florida and for other purposes, was read a third time, on the question of its passage, the yeas and nays were called by Messrs. Pelot and Dupont, and were :

Yeas—Mr. President, Messrs. Dupont, English, Livingston, Walker, 5.

Nays—Messrs. Cooper, McLean and Pelot, 3.

So said bill passed—ordered that the title be as above.

On motion of Mr. Deval, an act to require specie payments and to provide remedies for the violation of charters and contracts by the Banks of Florida, was referred back to the committee on Banks and Finance, with instructions to make such provisions in the said bill as shall effectually secure the Territory from all loss on account of bonds issued by the authority of the said Territory to any Bank or Banks.

An engrossed bill to prevent the stealing of neat cattle, being a substitute for the bill of the House of Representatives, entitled, an act to provide for the appointment of clerks of markets, was read a third time and passed—ordered that the title be as above.

The Senate received from the House of Representatives, as adopted, a joint resolution appointing Messrs. Steele, Myers and Branch a committee on the part of the House to "draft and report the compensation bill for the present session of the Legislative Council." Which was read and adopted—Messrs. Livingston, English and Pelot were appointed said committee on the part of the Senate.

Mr. Livingston from the committee on Finance made the following report:

The committee on Finance to which was referred a bill to be entitled, an act to abolish the Territorial Treasury, and providing for the liquidation and settlement of all demands due to and from the Territory, and for other purposes, ask leave to return said bill to the Senate for their consideration, as the committee are unable to agree upon a report.

M. C. LIVINGSTON,
D. G. McLEAN.

Said bill was ordered for to-morrow.

The same offered the following resolutions:

Resolved, That the committee on the Militia be instructed to enquire and report to the Senate, the amount of money borrowed by the Executive, and what amount has been expended in the prosecution of the Indian war or in the defence of the frontier, since the first of January, 1840, stating the specific objects for which the money was applied.

Resolved further, That his Excellency the Governor be requested to furnish the Senate with a report or statement of the amount of money borrowed, and what amount has been expended in the prosecution of the Indian war, or in the defence of the frontier since he came into office—with a statement of the specific objects for which the money was applied—with the vouchers for the same.

Which was read, the rule being waived and adopted.

The Senate then adjourned until to-morrow.

THURSDAY, February 11, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

The President laid before the Senate sundry communications from the Delegates in Congress; which were read and referred to a select committee, consisting of Messrs. Dupont, English and Walker. On motion 200 copies were ordered to be printed.

Mr. Livingston offered the follow resolution:

Resolved, That both Houses of the Legislative Council do adjourn, *sine die*, on Saturday, 20th inst. Which was read and laid on the table.

The Senate received from the House of Representatives, as passed, a resolution asking an appropriation of Congress for the repairing of Bridges across the Apalachicola Swamp, and the Chipola River, and also for the opening and construction of a road from Marianna to Iola on the Apalachicola River. Also a resolution changing the time of meeting of the Legislative Council. Also a preamble and resolution relative to James W. Exum. Also an act to change the time of holding the County Court of Walton county. Which were read and ordered for to-day. Also as adopted, a memorial of the Legislative Council to Congress, asking an appropriation to complete the capitol.

A resolution requesting the Governor to appoint as Justices of the Peace the Mayors or Intendants of the several cities and towns of the Territory, was laid on the table.

The Senate again went into committee of the whole, Mr. English in the chair, on a bill to be entitled, an act to prevent Duelling. After some time spent in its consideration, the committee rose, and reported said bill as amended. Which was concurred in, and said bill was ordered to be engrossed for to-morrow.

The Senate went into committee of the whole, Mr. Livingston in the chair, on a bill to be entitled, an act to abolish the Territorial Treasury, and providing for the liquidation and settlement of all demands due to and from the Territory, and for other purposes. After some time spent in its consideration, the committee rose reported progress, and asked leave to sit again — copies of said bill were ordered.

A resolution asking an appropriation of Congress for the repair of Bridges across the Apalachicola Swamp and the Chipola River, and also for the opening and construction of a road from Mariana to Iola, on the Apalachicola River, was again read and adopted.

A resolution changing the time of meeting of the Legislative Council, was again read and laid on the table.

A preamble and resolution relative to James W. Exum. was again read, and referred to the Committee on the State of the Territory.

An act to change the time of holding the County Court of Walton county, was read a third time and passed — ordered that the title be as above.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, February 10, 1841. }

To the Honorable the Legislative Council of Florida.

In obedience to the resolution of the Legislative Council, and upon the basis prescribed therein, I have ascertained the several

amounts due to the regiment of Colonel Robert Brown and the battalion of Major Isaac Garrison for services in the year 1838, as follows :

To Colonel Robert Brown's regiment,	\$121,222 50
To Major Isaac Garrison's battalion,	85,354 77

\$206,577 27

The resolutions passed unanimously by the Legislative Council, require me to settle these claims under the act of the 16th of February, 1838, which authorises the negotiation of a loan, and I consider it proper to inform you, that I shall forthwith issue bonds in liquidation of the above stated debt, to be negotiated as the Legislature will prescribe, at their par value.

I shall also endeavor to make a speedy reclamation of the amount from the Government of the United States.

ROBERT RAYMOND REID.

Which was read ; on the question of its being referred to a select committee, the yeas and nays were called by Messrs. Duval and Pelot, and were :

Yeas—Mr. President, Messrs. Cooper, Dupont, English, Livingston, McLean and Walker, 7.

Nay—Mr. Pelot.

Messrs. English, Cooper and Dupont were appointed said committee.

The Senate received from his Excellency the Governor a message in relation to the votes for Constitution or No Constitution. Which was laid on the table.

The Senate received from the House of Representatives their concurrence in the amendments made by the Senate to a bill entitled, an act to incorporate the New Orleans, Florida and Atlantic Transportation Company in Florida, and for other purposes.

The Senate went into secret session on Executive nominations: on motion the doors were opened, and the Senate then adjourned until to-morrow.

FRIDAY, February 12, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Walker asked and obtained leave to introduce a bill, without previous notice, entitled an act to amend the several acts appertaining to executions. Which was read and ordered for to-day.

Mr. Duval gave notice that on to-morrow or at some early day, he would introduce a bill to incorporate the Mechanics Beneficial Society of the city of Tallahassee.

Also a bill to authorise a lottery to raise funds to build a City Hall, and Mechanics Institute, for the use of the city and said Institute.

The President offered the memorial of the President and Directors of the Union Bank. Which was referred to the Committee on Finance and Banks, with instructions to confer with the same committee of the House of Representatives.

On motion of Mr. Livingston the resolution to change the time of meeting of the Legislative Council, was taken from the table and ordered for to-day.

Mr. Pelot from the committee on enrollments, reported as correctly enrolled, an act for the relief of M. H. Martin.

Mr. Dupont from the Committee on the State of the Territory made the following report:

The committee on the State of the Territory, to whom was referred the preamble and resolution passed by the House of Representatives, for the relief of James W. Exum, late Marshal of the Western District, having had the same under consideration, beg leave to report:

That the only point in the case which presented any difficulty in the minds of the committee, was whether the said applicant had been charged upon the books of the Auditor, with the amount of Merrit's recognizance; upon application to the late Auditor, they ascertain that such was the case; they therefore, beg leave to recommend the said resolutions to the favorable consideration of the Senate

All of which is respectfully submitted.

C. H. DUPONT, Chairman.

D. G. McLEAN.

On motion said preamble and resolution was ordered for to-day.

The Senate went into committee of the whole, Mr. Livingston in the chair, on a bill to be entitled, an act to abolish the Territorial Treasury and providing for the liquidation and settlement of all demands due to and from the Territory, and for other purposes. After some time spent in its consideration, the committee rose, and reported said bill with the first section stricken out. On the question of concurring in said report, the

yeas and nays were called by Messrs. Dupont and Livingston, and were :

Yeas—Messrs. Brockenbrough, McLean, Pelot, Walker, 4.

Nays—Mr. President, Messrs. Cooper, Dupont and Livingston, 4.

So said report was not concurred in.

Mr. Walker moved that the enacting clause of said bill be stricken out ; on which the yeas and nays were called by Messrs. Dupont and McLean, and were :

Yeas—Messrs. Brockenbrough, McLean and Walker, 3.

Nays—Mr. President, Messrs. Cooper, Dupont, Livingston, and Pelot, 5.

On motion said bill was re-committed to the committee on Finance, with instructions to make such amendments as will create a sufficient sum in the Territorial Treasury, to enable the Executive to pay for the apprehension of criminals, after they shall have made their escape from Jail, on his proclamation, and for a sufficiency to meet the charges of the post office department against the Executive, with any other necessary charges requisite for the faithful administration of the criminal laws of the Territory, in case a county is not able to meet the legitimate charges against it.

Mr. Brockenbrough from the committee on Banks, reported an act to require specie payments and to provide for the violation of charters and contracts by the Banks of this Territory, amended. Which was ordered for to-day.

An engrossed bill entitled, an act to prevent duelling, was read a third time ; the yeas and nays were called for on its passage by Messrs. Walker and Duval, and were :

Yeas—Mr. President, Messrs. Dupont, McLean and Pelot, 4.

Nays—Messrs. Cooper, English, Livingston and Walker, 4. So said bill was lost.

The Senate went into committee of the whole, Mr. Cooper in the chair, on a bill to be entitled, an act to amend the several acts appertaining to Execution. After some time spent in its consideration, the committee rose, and reported the bill without amendments. Said bill was referred to the Judiciary Committee.

The resolution in relation to changing the time of meeting of the Legislative Council, was again laid on the table.

The preamble and resolution relative to James W. Exam, was again read and adopted.

The Senate went into committee of the whole, Mr. Walker in the chair, on an act to require specie payments, and to provide remedies for the violation of charters and contracts by the Banks of Florida. After some time spent in its consideration, the com-

mittee rose, and reported the bill amended, and said bill was ordered to be engrossed for to-morrow.

Mr. English from the select committee, to whom was referred the communication of his Excellency the Governor, made to the Senate on yesterday, reported the following letter of his Excellency, as the report of said committee, and beg to be discharged from the further consideration of the subject.

EXECUTIVE DEPARTMENT, }
Tallahassee, 12 February, 1841. }

Sir—No bonds have been issued, no commissioner appointed, and I have been anxiously expecting the action of the Legislative Council upon my communication of yesterday.

I am Sir, very respectfully, your obedient servant,

ROBERT RAYMOND REID.

WM. F. ENGLISH, Chairman committee.

Said communication was referred to the Committee on the State of the Territory, with instructions to report to-morrow morning.

The Senate received from his Excellency the Governor, a message, which was referred to the Committee on the State of the Territory. Also a message from the House of Representatives—which was ordered for to-morrow.

The Senate then went into secret session on certain nominations of his Excellency the Governor—on motion the doors were opened, and the Senate adjourned until to-morrow.

SATURDAY, February 13, 1841.

The Senate met pursuant to adjournment and Saturday's proceedings were read.

Mr. Dupont from the Committee on the State of the Territory made the following report:

The Committee on the State of the Territory to whom were referred, under order of the Senate, two communications of the Executive, upon the subject of the issue of Territorial Bonds, in order to carry into effect certain Resolutions heretofore passed by the Legislative Council, providing for the settlement of the claims of certain troops, which had been engaged in the service of the Territory, having endeavored to give to the subject that serious consideration which its importance demanded,

beg leave to report:—That by the terms of the first, second and third resolutions above alluded to, the Executive was authorised and requested to settle the claims therein specified; and had the Legislative Council taken no further action upon the subject, than merely to have passed the said first, second and third resolutions the Executive would have possessed ample authority, by a provision of the act of February 10th, A. D., 1838, (under which these claims had arisen) to have negotiated a loan for that purpose. But the Legislative Council being fully aware of the exhausted state of the Territorial treasury, and that a loan based upon a pledge of the Territorial faith could not be negotiated but at a ruinous sacrifice, appended a further resolve, prescribing that any loan that might be effected should be made at not less than par. The object then of this last resolution certainly could not be construed into a requisition upon the Executive to make “forthwith” an issue of the Bonds, for this authority he already possessed, under the provisions of the act above referred to; but your committee are of opinion that a much more rational interpretation of the said last resolution would be, that the Legislative Council did not contemplate any issue of Bonds *at this time*, for it cannot be presumed that they would so far trifle with the hopes of their fellow-citizens, as to make the liquidation of their just claims dependant upon the sale of Florida Bonds *at par*, when the Bonds of no State in the Union now command their par value. Such a supposition is indeed preposterous, and if correctly founded would say as little for the intelligence as the candor of the Legislative Council; the plain and obvious intention of the Legislature in passing the resolutions was two fold: 1st. A *recognition* of the claims. 2d. To insure by the said act of recognition a successful appeal to the general government for an early settlement of the same. The Legislature will therefore as referred to by the Executive, so far from imposing any obligation upon him to make an issue of Bonds forthwith, seems to your Committee to indicate precisely the reverse.

If the Senate shall coincide with the views of the Committee, then it would seem but proper that resolutions *declaratory* of the Legislative will, should be forthwith passed, and presented to his Excellency without delay. They therefore recommend the adoption of the resolutions accompanying this report.

Be it Resolved by the Legislative Council, That his Excellency the Governor of the Territory, be instructed to defer the issuing of any Territorial Bonds, for the purpose of raising money to meet any claims against the Territory, until the said claims shall have been presented to the proper department of

the General Government, and payment of the same is absolutely refused.

Be it further Resolved, That if payment of any such claims shall be refused by the General Government, then it may be competent for the Executive to issue bonds in accordance with the provisions of and for the purposes contemplated by the acts now in force; provided, that all monies which may be raised upon any such bonds, shall be forthwith deposited in the Territorial Treasury, to be drawn out only on the warrants of the Governor, or by special act of the Legislative Council.

C. H. DUPONT, Chairman.

D. G. McLEAN.

Which was read and ordered for Monday.

An engrossed bill to be entitled, an act to require specie payments and to provide remedies for the violation of charters and contracts by the Banks of Florida, was read a third time, and on the question of its adoption, the yeas and nays were called by Messrs. Livingston and Duval, and were:

Yeas—Mr. President. Messrs Brockenbrough, Dupont, English, Livingston, McLean and Walker, 7.

Nay—Mr. Cooper.

So said bill passed—ordered that the title be as above.

A bill to be entitled, an act to incorporate the Monticello Railroad Company, before passed by the House of Representatives, was read and ordered for Monday.

An act concerning Indian depredations, and for other purposes, before passed by the Senate and amended by the House of Representatives, was ordered for Monday.

The Senate went into secret session on certain nominations of his Excellency the Governor; on motion the door was opened.

Mr. Livingston moved to re-consider a bill entitled, an act to prevent duelling. On which question the yeas and nays were called by Messrs. English and Dupont, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Livingston, McLean and Walker, 6.

Nays—Messrs. Cooper and English, 2.

So the motion prevailed, and said bill was referred to the Committee on the Judiciary.

The Senate then adjourned until Monday, 12 o'clock.

MONDAY, February 15, 1841.

The Senate met pursuant to adjournment.

The President being unable to attend by indisposition, Mr. Dupont was called to the Chair.

The Senate received from his Excellency the Governor a message, which was ordered for to-morrow.

The Senate then adjourned until to-morrow.

TUESDAY, February 16, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Duval agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee.— Which was read and ordered for to-morrow.

The resolutions reported by the Committee on the State of the Territory, on Saturday last, in relation to sundry resolutions for the payment of the troops under Col. Robert Brown and Major Isaac Garrison, were read, for which Mr. English offered the following substitute :

Resolved by the Senate and House of Representatives, That the Governor be requested, authorised and informed, on the subject of settling the claims for troops raised in East Florida, who served under Col. Robert Brown and Major Isaac Garrison, not to settle them in the first place by attempting to arrange or settle the claims by the negotiation of bonds or loans, but by applying to the authorised power, to settle the claims in Washington, and on their refusal so to do, then in that case the debt is so much as is legally authenticated, by the joint resolution, acknowledged by the Territory of Florida, and the Governor is authorised to settle according to the true intent and meaning of the resolutions which was according to the sense of this body to have first required by the General Government to settle them.

Which was adopted.

The Senate received from the House of Representatives the following communication :

HOUSE OF REPRESENTATIVES, }
February 12, 1841. }

(*Extract from the Journal.*)

Mr. Speaker presented a memorial of the stockholders of the Union Bank of Florida, praying that that bank be permitted to sell the Territorial Bonds now in possession of that bank, below par. Which was referred to the Committee on Banks, and a copy thereof directed to be sent to the Senate with the request of the House, that that body do appoint a committee to deliberate with the Committee on Banks on said memorial.

Attest, J. H. GIBSON, Clerk.

The following message received from his Excellency on yesterday, was read.

EXECUTIVE DEPARTMENT, }
Tallahassee, February 12, 1841. }

To the Legislative Council of Florida.

I respectfully inform you that I have approved the following acts of the Legislative Council, viz :

An act to incorporate the town of Mandarin.

An act to incorporate an Academy in the County of Leon, and the Trustees thereof.

An act to incorporate the first Baptist Church at Jacksonville.

An act to amend an act entitled "An act to establish a board of Port Wardens and Commissioners of Wrecks for the port of Apalachicola."

An act to authorise Daniel Campbell to establish a ferry across Escambia river.

An act to incorporate the town of Jacksonville.

An act to authorise Luther Taylor to establish a ferry across the Escambia River.

An act to amend an act declaring Juniper Creek, in Escambia County a navigable stream.

An act to allow Lawrence O'B. Branch to practice law in the Courts of this Territory.

ROBERT RAYMOND REID.

The Senate received from the House of Representatives, as passed, an act giving the right of lein to shipwright's, material men, &c. in this Territory.

Also an act to provide compensation to persons saving impaired cotton. Which were read and referred to the Judiciary Committee.

Also as adopted by the House of Representatives, a resolution before adopted by the Senate, in relation to the publishing and compiling of the laws of the Territory of Florida, by Jas. D. Westcott, Jr. and John P. Booth, Esq.

Mr. Dupont presented the petition of B. F. Whitner, for balance due for public printing in the year 1840. Which was referred to the committee on claims.

The Senate went into secret session on certain nominations of his Excellency the Governor—on motion the door was opened.

On motion, Messrs. McLean and Livingston were appointed a standing committee on nominations.

The Senate then adjourned until to-morrow.

WEDNESDAY, February 17, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Walker, without previous notice, asked and obtained leave to introduce a bill to be entitled, an act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned, which was read a first and second time and referred to the Committee on the Judiciary.

The Senate received from the House of Representatives a message informing the Senate that Messrs. Brown, Cone and Thigpin had been appointed a joint committee on the part of the House, to take into consideration a resolution passed by the Senate on yesterday, in relation to the payment of troops in East Florida, commanded by Col. Robert Brown and Major Isaac Garrison. Messrs. English, Livingston and McLean were appointed said committee on the part of the Senate.

A bill to be entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee, was read a second time and referred to the Committee on the State of the Territory.

The Senate received from the House of Representatives, as adopted, a resolution appointing the fourth of March next, for a final adjournment of the Legislative Council. Which was read, the rule waived, and adopted.

The Senate then adjourned until to-morrow.

THURSDAY, February 18, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. McLean agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled, an act concerning Roads, Highways and Ferries. Which was ordered to be printed.

Mr. Dupont offered the following Resolution:

Resolved by the Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to apply to Congress for the reappropriation of the unexpended balance of the appropriations for the civil government of Florida, for the years 1838 and 1839.

Also the following:

Resolved by the Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to apply to Congress for the reappropriation of fifteen hundred dollars, the unexpended balance of the appropriation for the compilation of the Laws of Florida. Which were read and ordered for to-day.

The same from the Committee on the State of the Territory, reported favorably on a bill to be entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee.

Also, a bill to be entitled, an act to incorporate the Monticello Rail Road Company. Said bills were ordered for to-day.

Mr. Edwards from the committee on enrolled bills, reported as correctly enrolled, an act concerning Indian depredations, and for other purposes.

The Resolutions offered by Mr. Dupont this morning, requesting of Congress certain reappropriations, were read a second time and adopted.

Mr. English offered the following resolution:

Resolved, That the Senate appoint a committee of three to consult with a committee on the part of the House, on the subject of selecting a person to compile the laws of Florida, and to report on the propriety of compiling the laws.

Which was read.

A bill to be entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee was read a second time and ordered to be engrossed for to-morrow.

A bill to be entitled, an act to incorporate the Monticello Rail Road Company, was read a second time.

The Senate received from the House of Representatives, as passed without amendment, an act to amend the acts in reference to the Tallahassee Fund.

Also as passed with amendments, an act in relation to public elections.

On motion to disagree to the amendments to the first section to change the time of holding elections from "October, 1842," to "August, 1843," the yeas and nays were called by Messrs. English and Pelot, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Edwards and Livingston, 5.

Nays—Messrs. Cooper, English, McLean, Pelot and Walker, 5.

So the Senate refused to disagree to said amendments.

On motion to disagree to the amendment to the 9th section, viz: to strike out the words "or any voter challenging," the yeas and nays were called by Messrs. Livingston and Pelot, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Cooper, English, Edwards and Pelot, 6.

Nays—Messrs. Dupont, Livingston, McLean and Walker, 4.

So said amendment was disagreed to.

On motion said bill was laid on the table.

Also as adopted, a memorial to Congress for mail routs, &c. which was read.

Also as passed, an act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida, which was read.

Also a bill to be entitled, an act to incorporate the city of Port Leon, which was read a first and second time, and referred to the Committee on the State of the Territory.

Also as adopted, a resolution requesting the Delegate in Congress to obtain the franking privilege for the Governor of this Territory, which was read.

Mr. Dupont offered a resolution instructing the Delegate to obtain from Congress an appropriation for the reconstruction of bridges over the Oclockney and Little Rivers. Which was read.

The Senate went into secret session on Executive nominations—on motion the door was opened.

Mr. English obtained leave to introduce a bill entitled an act to change the mode of voting. Which was read, the rule waived, and on its passage, the yeas and nays were called by Messrs. English and Pelot, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Cooper, English, Edwards and Livingston, 6.

Nays—Messrs. Dupont, McLean, Pelot and Walker, 4.

So said bill passed—ordered that the title be as above.

The Senate then adjourned until to-morrow.

FRIDAY, February 19, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Brockenbrough offered the following resolutions:

Resolved, That the Committee on the State of the Territory be instructed to examine into the condition of the Auditor's and Treasurers' offices, and the vouchers and books of the same, and report thereon to the Senate.

And further to report an estimate of the indebtedness of the Territory, and the probable amount of the arrearages due from defaulting officers, which may be collected during this year, and the amount of taxation necessary to pay the current expenses, and free the Territory from debt, apart from its Military expenditure.

Resolved, That the Committee on Claims be instructed to call upon his Excellency the Governor of Florida, for an exhibition of the accounts and vouchers of the Quartermaster and Paymaster's Department of the Florida Militia, and that the same be examined, and a report made of their condition, and the present amount and situation of the funds borrowed by the Governor.

Resolved, That the Committee on the State of the Territory be instructed to examine and report upon the accounts and vouchers of the Commissioner of the Tallahassee Fund, and the state of the Fund, and whether or not the same will be adequate for the completion of the Capitol.

Resolved, That the Committee on the Militia be instructed to enquire of the Governor what troops or officers are now in the service or pay of the Territory of Florida, and where stationed, and how employed, and the propriety of discharging the same, and also what number of men have been in the Territorial service from time to time, during the past year, and how many Indians they have caught or killed, and how many of those captured have escaped, and whether such troops have been efficient in protecting the frontiers, and have had such discipline, arms and equipments, as have rendered them capable of affording sufficient protection to the frontiers.

And that they further be instructed to enquire of the Governor, whether any order has been given during the last summer by any officer commanding volunteers, either in the Florida or U. S. service, to such volunteers, requiring them to stay at their respective homes, and attend to their ordinary avocations; if so, what the orders were when given, to what troops, and by whom, and for what object, and whether or not such orders

were given in conformity with the order of the Secretary of War or any officer of the Regular Army, and any other facts connected with the same, which may throw light upon the subject, or to tend to exculpate such officer and troops from the reproach which may have attached to them by the issuing of such orders during the continuance of Indian murders and depredations.

Which were ordered for to-day.

The same from the Committee on the Judiciary, reported an act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned, with amendments. Said bill was ordered for to-day.

The same from the Committee on Finance made the following report:

The Committee on Finance to which was referred "an act to abolish the Territorial Treasury, &c., with instructions to report certain amendments to the same, report:

That in their opinion the amendments cannot be made without so far impairing the principle and object of the bill, as to leave the subject in its present situation; and deeming it inexpedient, and perhaps impracticable to carry out the purposes of the bill, at present they ask leave to be discharged from the further consideration of the subject.

W. H. BROCKENBROUGH,
Chairman Committee on Finance.

On motion, said bill was laid on the table.

The same from the Committee on the Judiciary made the following report:

The Committee on the Judiciary to which was referred a bill entitled, an act to amend the several acts appertaining to Executions, report:

That in their opinion the legislation proposed by the bill is inexpedient, and they pray to be discharged from its further consideration.

W. H. BROCKENBROUGH, Chairman.

Said bill was ordered for to-day.

Mr. Dupont from the Committee on the State of the Territory reported favorably on a bill to be entitled, an act to incorporate the city of Port Leon.

Mr. English from a joint select committee, appointed to take into consideration certain Resolutions for payment of troops in East Florida, commanded by Col. Robert Brown and Major Isaac Garrison, offered a substitute for the same. Which was ordered for to-morrow.

The following resolution:

Resolved, That the Senate appoint a committee of three to consult with a committee on the part of the House, on the sub-

ject of selecting a person to compile the Laws of Florida, and report on the propriety of compiling the Laws.

Which was amended by substituting the words, revise and revising, instead of compile and compiling.

Which was read a third time and adopted.

Messrs. Brockenbrough, Dupont and Pefot were appointed said committee.

A bill to be entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee, was read a third time and passed—ordered that the title be as above.

A bill to be entitled, an act to incorporate the Monticello Rail Road Company, was read a third time and passed, without amendment—ordered that the title be as above.

A memorial to Congress for mail routs, &c. was read, and copies ordered.

An act to authorize the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida, was read a second time and copies ordered.

A resolution instructing the Delegate to obtain from Congress an appropriation for the re-construction of bridges over the Ocklockney and Little Rivers, was read a second time and adopted.

The resolutions offered by Mr. Brockenbrough this morning were again read and adopted.

The Senate went into committee of the whole, Mr. English in the chair, on a bill to be entitled, an act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned. After some time spent in its consideration, the committee rose, and reported said bill as amended. Which was ordered to be printed for Monday.

An act to amend the several acts appertaining to Executions, was indefinitely postponed.

An act to incorporate the city of Port Leon, was read a third time and passed—ordered that the title be as above.

The Senate then adjourned until to-morrow.

SATURDAY, February 20, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. English asked leave of the Senate to be absent during the balance of the session, from and after Thursday, 25th instant. Which was granted.

Mr. Duval asked and obtained leave, agreeable to previous notice, to introduce a bill to be entitled, an act to authorise a lottery to raise the sum of \$50,000, to purchase a lot of land and build a City Hall in the city of Tallahassee. Which was read a first and second time, and ordered for Monday.

The Senate then adjourned until Monday, 12 o'clock.

MONDAY, February 22, 1841.

The Senate met pursuant to adjournment, there being no quorum present, Mr. Edwards was called to the chair.

On motion the invitation of the Tallahassee Debating Society to attend the celebration of this day was accepted.

The Senate then adjourned until half-past 3 o'clock.

HALF-PAST THREE O'CLOCK.

The Senate met pursuant to adjournment, and a quorum being present.

Mr. Cooper offered a petition from the citizens of East Florida, which was read and referred to a select committee. Messrs. Cooper, English and Livingston were appointed said committee.

A memorial to Congress for mail routes, &c. was read a second time, amended and adopted.

The Senate went into committee of the whole, Mr. McLean in the chair, on an act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida; after some time spent in its consideration the committee rose and reported the same amended. On its pas-

sage the yeas and nays were called by Messrs. Pelot and Cooper, and were :

Yeas—Mr. President, Messrs. Dupont, English, Edwards, Livingston, McLean and Walker—7.

Nays—Messrs. Cooper and Pelot—2.

So said bill passed—ordered that the title be as above.

A bill to be entitled an act to authorise a lottery, to raise the sum of \$50,000 to purchase a lot of land and build a city hall in the city of Tallahassee, was read a third time. On its passage the yeas and nays were called by Messrs. English and Pelot : and were,

Yeas—Mr. President, Messrs. Edwards and Livingston—3.

Nays—Messrs. Cooper, Dupont, English, McLean, Pelot and Walker—6.

So said bill was lost.

An act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned, was ordered for to-morrow.

The Senate received from his Excellency the Governor the following message, viz :

EXECUTIVE DEPARTMENT, }
Tallahassee, February 19, 1841. }

To the Legislative Council of Florida.

I respectfully inform you that I have approved the following acts of the Legislative Council :

I. An act to organise the St. Augustine City Guards.

II. An act for the relief of M. H. Martin.

III. An act amend an act entitled an act constituting a board of Wardens and Commissioners of Pilotage and Wrecks for the Port of Jacksonville, and other places therein named.

IV. An act to extend the powers of the Port Wardens for the port of Pensacola.

V. An act to chadg[e] the time of holding the County Court of Walton county.

VI. An act to incorporate the New Orleans, Florida and Atlantic Transportation Company in Florida, and for other purposes.

VII. A preamble and resolutions relative to bridges on the mail rout from Tallahassee to Pensacola.

VIII. A preamble and resolutions relative to the widow of the late Major Dade.

ROBERT RAYMOND REID.

Also the following :

EXECUTIVE DEPARTMENT,
Tallahassee, February 22, 1840. }

To the Legislative Council of Florida :

Since my late message upon the subject of Colonel Robert Brown's and Major Isaac Garrison's claims in behalf of their regiment and battalion, and after the Council had refused to take action thereon, I was applied to in the most earnest manner to issue the bonds, which the Council had been informed by a message I was prepared to execute.

In the *interim*, however, I had received the enclosed letter from the Hon. Madison C. Livingston, which is herewith transmitted to the Council with letters from the Hon. J. C. Pelot, J. G. Cooper, and others, members of the Council from East Florida.

I submit to the Legislative Council, if it might not be proper, before the Executive complies with the resolutions already adopted, to cause an investigation to be made into the imputations and charges contained in the communication of the Hon. Mr. Livingston.

It seems to me to be due to the claimants to the parties assailing and defending them, and to the character of East Florida.

The investigation might be made by a commissioner or commissioners to be appointed by the Legislative Council, or the Executive.

If these claims be just, as the resolutions recently passed unanimously by the Legislative Council suppose them to be, they should be promptly and immediately settled, if they are unjust let those who are in possession of the proofs, have an opportunity to present them.

I have requested the House to transmit to your honorable body, the original correspondence (after having read the same) for your information.

ROBERT RAYMOND REID.

Which was laid on the table.

Also the following :

EXECUTIVE DEPARTMENT,
Tallahassee, February 22, 1841. }

To the Legislative Council of Florida :

I herewith return "an act concerning Indian depredations and for other purposes."

It will be perceived that in the first section the Governor and Legislative Council are authorised to appoint "by annually" a board of commissioners, &c. which it is presumed is a mistake ; If intended to read "biennially," that would be impracticable, as the Legislative Council sits but once a year.

When the proper correction is made the act will be approved.

ROBERT RAYMOND REID.

Which was read and referred to the Committee on the Judiciary.

Also the following:

EXECUTIVE DEPARTMENT, }
Tallahassee, February 22, 1841. }

To the Legislative Council of Florida:

It is known to you, that Harmon G. Harlan was *broken up* and his family murdered, during the past year, by the Indians; he has requested me to apply to you, in his behalf, for your friendly interposition with Congress, for his relief. He states the amount of his losses to be four thousand dollars.

ROBERT RAYMOND REID.

Which was read and laid on the table.

The Senate went into secret session on certain nominations of of his Excellency the Governor.

On motion the doors were opened.

The Senate then adjourned until to-morrow.

TUESDAY, February 23, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Edwards from the committee on enrollments, reported as correctly enrolled, certain resolutions for the payment of troops in East Florida under Col. Robert Brown and Major Isaac Garrison.

Also a memorial of the Legislative Council of Florida, to the Senate and House of Representatives of the United States in Congress assembled.

Also an act to amend the act in reference to the Tallahassee Fund.

An act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned, was read a third time and passed—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Walker in the chair, on an act concerning Roads, Highways, and Ferries. After some time spent in consideration of the same, the

committee rose, reported progress, and asked leave to be discharged from its further consideration. Said bill was referred to the Committee on the Judiciary.

The Senate received from the House of Representatives, as indefinitely postponed, the following :

A bill to be entitled, an act to repeal an act entitled an act to amend an act concerning Dower.

Also a resolution explanatory of certain resolutions for the payment of troops in East Florida.

Also an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color.

Also an act to prevent breaches of the peace and more effectually to preserve order.

Also an act to change the mode of voting.

Also as passed, an act to amend an act entitled an act to incorporate the city of Apalachicola. Which was read a first and second time and ordered for to-morrow.

Also as adopted, a memorial to Congress, &c. Which was referred to the Committee on the State of the Territory.

A certain preamble and resolutions, reported by a joint select committee, as a substitute for certain resolutions explanatory of certain resolutions, before adopted, for the payment of troops commanded by Col. Robert Brown and Major Isaac Garrison, was again read ; on the question of laying it on the table, the yeas and nays were called by Messrs. Dupont and English, and were :

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean and Walker, 7.

Nays—Messrs. Cooper, English and Pelot, 3.

The Senate received from the House of Representatives, as passed, a bill to be entitled, an act to secure to the people of this Territory a sound currency. Which was read a first and second time, and ordered for to-morrow.

The Senate received from his Excellency the Governor the following message :

EXECUTIVE DEPARTMENT, }
Tallahassee, February 23, 1841. }

SIR:—I wish to withdraw a message sent to the Senate yesterday, upon the subject of the bill providing for the investigation of claims for losses. When that message was penned, I gave the meaning of *semi-annually*, to the word "biennially," through some strange inadvertence and wrong direction of thought. The bill wants correction only in its orthography, and if returned to me, will be approved.

I am sir, very respectfully, your ob't. serv't.,
ROBERT RAYMOND REID.

Hon. W. M. P. DUVAL, President Senate.

Mr. Brockenbrough from the Committee on the Judiciary, to whom was referred the resolution of Mr. English requiring the selection of a proper person to revise the laws of this Territory, report sundry resolutions appointing Hon. Wm. Marvia to perform that duty. Which were read and adopted.

The Senate then adjourned until to-morrow.

WEDNESDAY, February 24, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Pelot asked and obtained leave, without previous notice, to introduce a bill to be entitled, an act to amend the 3d section of an act to establish two terms of the Superior Court in Columbia county, which was read a first and second time, and ordered for to-day.

Mr. Brockenbrough offered memorial of the people of Calhoun County to Congress for the fortification of certain portions of the coasts of Florida, therein named. Which was read, and referred to the Committee on the State of the Territory.

Mr. Dupont from the Committee on the State of the Territory, reported favorably on the memorial before passed by the House of Representatives, in relation to the grievances of the people of Florida. Which report was received and the memorial placed among the orders of to-day.

An act to amend an act entitled an act to incorporate the city of Apalachicola, was read a third time and passed—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Walker in the chair, on a bill to be entitled, an act to secure to the people of this Territory a sound currency. After some time spent in its consideration, the committee rose, and reported said bill with all but the enacting clause stricken out, and as a substitute for said bill, an act before passed by the Senate, entitled an act to require specie payments and to provide remedies for the violation of charters and contracts by the Banks of Florida, with the title of the House bill. On the question of concurring in the report of the committee, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston and McLean, 7.

Nays—Messrs. Cooper, English, Pelot and Walker, 4.

On the passage of said substitute, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, English, Edwards, Livingston, McLean and Walker, 8.

Nays—Messrs. Cooper and Pelot, 2.

So said bill passed with the title of the bill of the House of Representatives.

An act to amend the third section of an act entitled an act to establish two terms of the Superior Court in Columbia county was read a third time and passed—ordered that the title be as above.

A memorial to Congress, before adopted by the House of Representatives, on the subject of Florida grievances, was ordered for to-morrow.

An act in relation to public elections was again taken up.

On motion to concur in the amendments of the House as to the time of holding elections; the yeas and nays were called by Messrs. English and Cooper, and were:

Yeas—Messrs. Cooper, English, McLean, Pelot and Walker—5.

Nays—Mr. President, Messrs. Brockenbrough, Dupont, Edwards and Livingston—5.

So the Senate refused to concur in said amendments.

The other amendments were concurred in.

On motion of Mr. Pelot, for adjournment, the yeas and nays were called by Messrs. Brockenbrough and Dupont, and were:

Nays—Mr. President, Messrs. Brockenbrough, Dupont, English, Edwards, Livingston, McLean and Walker—8.

Yeas—Messrs. Cooper and Pelot—2.

On motion to insert in said bill the first Monday in October, the yeas and nays were called by Messrs. Brockenbrough and Livingston, and were:

Yea—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean and Walker—7.

Nays—Messrs. Cooper, English and Pelot—3.

So said amendment was made.

Mr. Dupont presented a memorial of Jabez B. Bull and Patrick Ker, which was referred to the Committee on Claims.

Mr. Brockenbrough introduced by leave of the Senate an act for the relief of the Tallahassee Rail Road Company, which was read and referred to the Committee on Claims.

The Senate then adjourned until to-morrow.

THURSDAY, February 25, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

Mr. Walker from the Committee on Claims made the following report :

The Committee on Claims to whom was referred the petition of Gen. Thos. Brown, report :

That from satisfactory testimony, produced by the petitioner, it appears that at the request of a committee of a former Legislative Council, he rendered important and laborious service in the years 1833, 1834 and 1835, in adjusting and arranging the affairs of what is termed the Tallahassee Fund.

And it appearing from a document executed by a former commissioner of said Tallahassee Fund, that the sum of eight hundred dollars, the amount claimed by the petitioner, was fixed upon as compensation for said services ; the committee advise the adoption of the following resolution, allowing the petitioner that amount in a judgment which stands against him at the suit of the commissioner of said fund.

GEO. WALKER, Chairman.

Resolved by the Governor and Legislative Council of Florida, That the Commissioner of the Tallahassee Fund be, and he is hereby directed to enter credit of eight hundred dollars on a judgment obtained against Gen. Thos. Brown by a former commissioner, in the Superior Court of Leon county ; and that said credit be considered as having been made on the first day of January, 1835.

Which report was received, and said resolution adopted.

The same from the same committee, begged leave to be discharged from the further consideration of a petition of B. F. relief of the Tallahassee Rail Road Company, without amendment, which was read a second time and ordered for today.

The same from the same committee, to whom was referred the memorial of Jabez B. Bull and Patrick Ker, reported a bill for the relief of said memorialists, which was read a first and second time and ordered for to-day.

Mr. Dupont from the Committee on the State of the Territory, made the following report :

The Committee on the State of the Territory, to whom was referred, by order of the Senate, " the memorial of the Legislative Council of Florida," representing the exposed and defenceless condition of the sea-board of Florida, and calling upon the Congress of the United States, to establish such works

of defence, as will insure a reasonable protection to the citizens of the Territory, beg leave to report:

That they have maturely considered the representations and suggestions embodied in the memorial, and hesitate not, to pronounce them not only just and true, but of the most vital and absorbing interest to the whole Territory. "The signs of the times" are ominous of trouble—the political horizon bears a frowning aspect, that portends a coming storm—the whole line of our maritime frontier is little less than totally defenceless, and your committee believe that the subject as set forth in the memorial, cannot be too frequently or too urgently pressed upon the attention of the General Government, whose solemn duty it is to afford protection to its citizens. They therefore recommend that the memorial be adopted, and that properly authenticated copies thereof be forthwith transmitted to the President elect of the United States, the President of the Senate, the Speaker of the House of Representatives, and to the Delegate in Congress.

C. H. DUPONT, Chairman.

Which was read and concurred in, and said memorial adopted.

The Senate received from the House of Representatives the following message:

HOUSE OF REPRESENTATIVES, }
February 23, 1841. }

The House ordered that the enclosed Message, No. 4, together with the accompanying letters be transmitted to the Senate.

Attest.

JAMES H. GIBSON, Clerk.

Which was read and with accompanying documents ordered for to-morrow.

Also as passed, a bill to be entitled an act to authorise Isham Blake and John D. Parish to execute certain deeds and for other purposes, which was read a first and second time, and referred to the Committee on the Judiciary.

Also as a substitute for an act to aid the administration of Justice in the Southern District of Florida, before passed by the Senate, an act to repeal an act entitled an act concerning Jurors in the Southern District and for other purposes, which substitute was received by the Senate.

Also as adopted, without amendment, a resolution appointing the Hon. Wm. Marvin to revise the Laws of Florida.

Also as adopted, without amendment, a certain resolution in relation to the educating of poor children.

Also as adopted, a resolution for the payment of certain troops therein named, which was read and referred to the committee on claims.

Also as adopted, a preamble and resolution, requesting the General Government to make an appropriation for the building of a Light-house on Cape St. Blas, which was read, the rules waved, and adopted.

Also as passed, a bill to be entitled an act regulating the fees of jailors in this Territory, which was read.

Also as passed, an act to repeal the 4th section of an act entitled an act to amend an act, passed January 31, 1838, entitled an act to incorporate the City of Apalachicola, approved March 2, 1839, which was read a first and second time and referred to the Committee on the Judiciary.

Also as passed, an act to amend an act entitled an act concerning the appointment and jurisdiction of Justices of the Peace. Which was read a first and second time, and referred to the Committee on the Judiciary.

Also as adopted, a preamble and resolution in relation to the Bank of Jacksonville, before adopted by the Senate.

Also as passed, with amendments, an act to provide for the recording marks and brands of cattle butchered in the counties of Escambia and Washington, and for other purposes. Which was ordered for to-morrow.

Also as passed, an act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company. Which was read a first and second time, and referred to the Committee on the State of the Territory.

Also as passed, an act to incorporate the Hamilton Academy in the county of Hamilton. Which was read a first and second time, and referred to the Committee on Schools and Colleges.

Also as passed, an act before passed by the Senate, entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee.

Also as passed, a bill entitled, an act to incorporate the Iola and St. Joseph Canal and Rail Road Company. Which was read a first and second time, and referred to the Committee on the State of the Territory.

Also as adopted, a resolution before passed by the Senate, requiring the Delegate in Congress to procure an appropriation for the repairing of bridges across the Oclockney and Little Rivers.

Also as adopted, a resolution before adopted by the Senate, requesting our Delegate in Congress to procure the re-appropriation of certain funds before appropriated.

A memorial of the Legislative Council to the Senate and House of Representatives of the United States in Congress assembled, in relation to Florida grievances, was again read.

On the question of its passage, the yeas and nays were called by Messrs. Cooper and Dupont, and were :

Yeas—Mr. President, Messrs. Brookenbrough, Dupont, English, Edwards, Livingston, McLean, Pelot and Walker—9.

Nay—Mr. Cooper—1.

So said memorial was adopted.

An act for the relief of the Tallahassee Rail Road Company, was again read and ordered for to-morrow.

An act to be entitled an act for the relief of Jabez B. Bull and Patrick Kerr, was again read and ordered for to-morrow.

The Senate received from his Excellency the Governor the following message :

EXECUTIVE DEPARTMENT, }
Tallahassee, February 25, 1841. }

To the Legislative Council of Florida.

I respectfully inform you, that I have approved the following acts of the Legislature :

I. An act concerning Indian depredations, and for other purposes.

II. An act to amend the acts in reference to the Tallahassee Fund.

ROBERT RAYMOND REID.

Which was read.

Also the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, Feb. 24th, 1841. }

To the Honorable the

Legislative Council of Florida :

I return to you, the preamble and resolution for the relief of the administrator of James W. Exum, late Marshal of West Florida, with the objection that the resolution appropriates a sum of money to the administrator which he has no right to claim. According to the statements of the preamble and the facts contained in the original papers, which I have examined, the balance upon the books of the Treasury with the late Marshal should be remitted. But he is not entitled to a dollar from the Treasury, nor does the petitioning administrator claim any thing.

ROBERT RAYMOND REID.

Which was read and laid on the table.

Also the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, Feb. 22, 1841. }

To the Legislative Council of Florida :

Herewith I transmit extracts from a letter from Col. Blackburn, of the Florida Volunteers, recently received at this Department :

" There are other subjects which I wish to bring before you, and which I hope you will immediately lay before your Legis-

lature. During the three months Capt. Buie and his company served in the United States service, he had in his company two friendly Indians, namely: John Perryman and Joe Miller; the mustering officer said he could not recognise them as a part of the company; consequently they have not received one cent for their services. They rendered good service to my knowledge, and should be paid by the Territory. If they are paid, they can be made valuable; they are well acquainted with that section of country occupied by the Creek band, they are also acquainted with the warriors composing this party, and can be of signal service in trailing them up, and getting them to come in and give up."

ROBERT RAYMOND REID.

Which was read and referred to the Committee on the Militia.

The Senate received from the House of Representatives, as passed, an act to incorporate the Cherry Lake Academy in the county of Madison. Which was read a first and second time, and referred to the Committee on Schools and Colleges.

Also as passed, an act supplementary to the act approved on the 8th day of February, 1838, entitled, an act to incorporate the Tropical Plant Company of Florida. Which was read and referred to the Committee on the State of the Territory.

Also as passed, a bill to be entitled, an act to amend an act to incorporate the city of Pensacola, approved March 2d, 1839, was read, the rule waived, and passed—ordered that the title be as above.

Also as unanimously adopted, certain resolutions, before adopted by the Senate, for the relief of Gen. Thos. Brown.

Also their concurrence in the amendments of the Senate to an act in relation to public elections.

The Senate went into secret session on certain nominations of his Excellency the Governor—on motion the door was opened.

Mr. Brockenbrough, from the Committee on the Judiciary made the following report:

The Committee on the Judiciary to which was referred an act passed by the House of Representatives, entitled, "an act to authorise Isham Blake and John D. Parish to execute certain deeds, and for other purposes," report:

That in the opinion of this committee, the Legislative Council is incompetent to enable one person to make titles to another person's property, & that in this case if the legal title had vested in the infant heirs, no action of this body can legally divest it. But if a bona fide sale was made in the life time of the ancestor, which the committee does not doubt, a Court of Chancery will have power on a proper case made to decree valid titles. The committee have also been informed, that in this case a deed

was made and delivered in the life time of the venders of the lots, and that the same has been lost, and that evidence exists of the fact, if such be the case, a copy of the deed can be established of equal force with the original at little expense under the act for establishing lost deeds and papers.

The Committee is perfectly satisfied of the fairness and justice of the present case but is of opinion the Legislation of the character proposed is calculated to open the door to fraud and collusion. The proceedings before the Council are *ex parte* before the Courts all must be Represented and the subject fully examined before a decree can be made.

The committee therefore recommend that the bill be not passed

WM. H. BROCKENBROUGH.

Chairman Committee on Judiciary.

Which was concurred in, and said bill indefinitely postponed.

The same obtained leave to introduce a bill entitled, an act to ascertain the wishes of the people of Florida upon the propriety of going into a State Government. Which was read and ordered to be printed.

The Senate then adjourned uptil to-morrow.

SATURDAY, February 27, 1841.

The Senate met pursuant to adjournment and the proceedings of Thursday and yesterday were read.

Mr. Livingston from the Committee on Schools and Colleges reported favorably on an act to incorporate Hamilton Academy in the county of Hamilton.

Also an act to incorporate the Cherry Lake Academy in the county of Madison.

Said bills were ordered for to-day.

Mr. Dupont from the Committee on the State of the Territory, reported favorably, an act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company.

Which was ordered for to-day.

The same from the same committee, made the following report:

The Committee on the State of the Territory to whom was referred, by order of the Senate, a Resolution, directing an examination into the condition of the Auditor's and Treasurer's offices; and also an

inquiry as to "the indebtedness of the Territory, and the probable amount of the arrearages due from defaulting officers, which may be collected during this year; and the amount of taxation necessary to pay the current expenses and free the Territory from debt; apart from its military expenditure," beg leave to report:

That the shortness of the time allotted to your Committee, by the contemplated early adjournment of the Legislative Council, together with the accumulation of a large amount of important business, which now occupies their attention, forbid the hope that a *thorough examination*, (such as is, no doubt, contemplated by the passage of the resolution,) could at this stage of the session be made; they, therefore, beg leave to be discharged from the further consideration of so much of the Resolution as directs the said examination.

With regard to the second branch of the Resolution, the Committee beg leave to direct the attention of the Senate to the communication of the Auditor, heretofore laid before the Legislative Council.

By reference to that document, it will be seen that the present indebtedness of the Territory, as ascertained by the outstanding warrants of the Auditor, amounts to eleven thousand two hundred and ten dollars and sixty-six cents, (\$11,210 56,) and the arrearages due to the Territorial Treasury from defaulting officers, as reported by the Auditor in his annual statement, made to the Legislative Council on the 5th instant, amounts to thirty-six thousand two hundred and seventy-one dollars and thirty-seven and a half cents, (\$36,271 37½). What portion of this amount can be relied upon to meet the existing demands against the treasury and the current expenditures of the present year, the Committee are at a loss to determine, being in possession of no correct data upon which to found an estimate. They are of opinion, however, that the arrearages might with safety be relied upon to provide a fund sufficient for the entire liquidation of the debt now due. If the anticipations of the Committee shall be realized in this particular, (and they are lead, from the very efficient measures which the present Auditor has put in operation, and the commendable zeal and energy displayed by him in the enforcement of the revenue laws, to believe that such will be the case,) then it will be necessary, in the assessing of the taxes for the present year, to provide only such an amount as will meet the current expenses of the year. What those expenses will amount to, can only be estimated by reference to the amount of expenditures in previous years. The current *ordinary* expenses of the year 1839, was eight thousand seven hundred and eighty-four dollars and seventy-eight cents, and that of the last year, nine thousand nine hundred and twenty-two dollars and eighty-two cents. In this estimate of the current expenses of the last year, it may be proper to remark that the amount of eight hundred dollars, allowed to the private secretary of the Governor, has not been included, inasmuch as the resolution appropriating that amount, is construed by the committee to have been limited to that year, and consequently cannot, unless so ordered by the Legislative Council, become a charge upon the resources of the present year. It is also proper to remark that the amount of expenditure for the last year, is much above what might be considered a fair criterion; in consequence of the very *extraordinary* amount credited to the prosecution of criminals in the Western District, to wit, the amount of three thousand eight hundred and twenty-six dollars and fifty-five cents—being nearly one half of the aggregate expenditure for that purpose, in the whole Territory, and more than three times the amount expended in the Middle District. By rating the amount which would, under or-

ordinary circumstances, have been expended in the Western District, as equal to that in the Middle District; then the *ordinary* current expenses for the year 1840, should be stated at about seven thousand five hundred dollars; which amount your committee are of opinion would be a fair estimate for the present year. If the committee are correct in stating the ordinary current expenses at that amount, then the inquiry arises as to the means to be relied upon, for meeting it.

The principal sources of Revenue, under the existing laws, are, first: a direct tax upon lands and slaves. Secondly: the tax upon auction sales. Thirdly: fines and forfeitures incurred under the criminal laws. But as it is not only unwise but oppressive, especially at the present time, when the country is laboring under extraordinary embarrassments, to require from the people a greater amount than is necessary to provide for the current expenses of the government, the committee would recommend, that the last two sources of revenue be alone resorted to for the present year; and they are of opinion that they will afford a fund sufficiently large for that purpose.

The estimate of the committee is, that the ordinary current expenditure of the year will amount to seven thousand five hundred dollars, (\$7500) and they propose to provide for it, first—from the tax on auction sales, which may be estimated at six thousand dollars, (\$6000)—and secondly, from fines and forfeitures, which may be estimated at fifteen hundred dollars, (\$1500), making the aggregate amount of seven thousand five hundred dollars, (\$7500).

The committee are further induced to make the foregoing recommendation from the fact, that past experience has demonstrated, the utter futility of endeavoring to enforce the punctual assessment and collection of a land and slave tax. By reference to the reports from the Treasury department, for past years, it will be seen that the amount of revenue derived from this source, has been paid only by a few of the counties nearest to the capitol. The report of the Auditor for the year 1839, fully illustrates the fact stated—out of the twenty counties of the Territory, there were but five that contributed to the treasury from this source, and some of those five, only a portion of the amount assessed. A state of things so unequal and consequently so *unjust*, should no longer be tolerated; and whenever experience teaches that a system of taxation thus operates, it should, without hesitation, be abandoned. If it could subserve any useful end, the committee might enter into an investigation of the causes which have operated to produce this inequality in the administration of the revenue system, but believing that the sources herein before pointed out, will afford a revenue sufficiently ample to meet the current expenditure of the year, they most earnestly recommend the adoption of the accompanying Resolutions, which propose to suspend the operation of the revenue laws, during the present year, excepting from the operation thereof the tax on auction sales, retailers of spirituous liquors, keepers of billiard tables, exhibitors of public shows, and pedlars.

Be ore closing this report your Committee cannot abstain from calling the attention of the Senate to the very singular anomaly which is presented by the present system of *Territorial* revenue. The Government of the United States, did in the year 1820, by an act of Congress, concede to the people of Florida, (who from the time of the cession by Spain, up to that period, had lived under the government of a single Provincial Governor, invested with and exercising the powers of the Captain General and Intendant of the Island of Cuba,) a *Territorial* form of government, reserving to itself the right of appointment, to fill

the several departments of the government, to wit: the Executive, the Legislative and Judicial. By the same act of Congress, the Government of the United States took upon itself the burthen of supporting this Territorial form of Government, by providing for the necessary expenditures of the several departments; and she literally made good her guarantee, until the Legislative Council, induced by a spirit of magnanimity, or from some other cause, unknown to the Committee essayed to relieve her from the burthen, by bringing forth in all its deformity the present system of *Territorial* taxation. It is true that, at a subsequent period, the right to elect the members of the Legislative Council was given to the people, but this by no means changed the relation that had previously existed between the Territory and the General Government; nor did it relieve her from the obligation to provide the means necessary for the administration of the Territorial Government; and so she seems to have considered it, as the expenses of the Legislative department has always been, and now is, paid by the General Government, notwithstanding the concession of this inestimable boon—a boon accorded by enlightened statesman, to the increased and rapidly increasing intelligence and virtue of the inhabitants. But it is contended by the apologists of this system that the General Government, in undertaking to establish and support a Territorial form of Government, for the people of Florida, by no means undertook to provide for the contingent or incidental expenses of the several departments. But this position is negatived first by the practice of the General Government, and secondly by the absurdity which it involves.

The practice has always been, and now is to pay a very large proportion of the incidental expenses of the several departments. The estimate for the Executive department, as your Committee is informed, always embraces an item for contingences—a large proportion of the estimate for the Legislative department is made up of contingent and incidental expenses; and the estimate for the Judicial department is of like character; how does it happen, then, if the General Government, pays a *large portion* of the incidental expenses (as they certainly do) that they do not provide for the *small balance* which is now paid by the Territorial Treasury? or by what law, or rule of construction, is this “large portion,” provided for and the “small balance” discarded? The solution of these questions is left to those who contend for the justice and *reasonableness* of a Territorial revenue system. But secondly, the position involves a palpable absurdity, in this, that the whole of *that portion* of the incidental expenses of the Government, proposed to be provided for by the Territorial tax, amounts, on an average, to not more than six thousand dollars per annum; and can it be presumed for a moment, that the General Government would be either so *unreasonable* or penurious, as to induce by a refusal to pay this “small balance,” the establishment of a system of revenue, that must extend from Pensacola to St. Augustine, and from the St. Mary’s to Key West; involving the people of Florida in an expense, amounting to three times the amount to be collected—the absurdity of the proposition is too glaring to admit of a further argument.

The Committee will close this report, by recommending the adoption of the accompanying resolution, requiring the Marshals of the respective judicial districts, to include in their accounts against the United States, such as may accrue in consequence of the apprehension, safe keeping and prosecution of criminals.

Which is respectfully submitted.

C. H. DUPONT, Chairman.

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That from and after the adoption of this resolution, the revenue laws of this Territory shall be suspended, so far as they may authorise the *assessment and collection* of a Territorial revenue for the present year, and no further; provided, that the operation of this resolution shall not be construed to extend to the tax upon Auction Sales, retailers of Spirituous Liquors, keepers of Billiard Tables, exhibitors of Public Shows and Pedlars, or to prohibit the assessment and collection of county taxes, as is provided for by the existing laws.

Be it further resolved, That from and after the adoption of this resolution, the Marshals of the respective judicial districts, be instructed, in making out their accounts against the United States, for the expenses attendant upon the administration of the laws, to embrace in the same, such as may occur, in consequence of the apprehension, safe-keeping and prosecution of criminals; and the several judges are respectfully requested to certify the same; it being the deliberate opinion of the Legislative Council, that they constitute a legitimate charge against the United States.

Which was read, and ordered to be printed.

Mr. Cooper from a select committee, made the following report:

The chairman of the select committee of the Senate, to whom was referred the petition of the citizens of East Florida, praying for a division of the Territory, request leave to make the following report:

That prior to the cession of the two Floridas to the United States, the provinces of East and West Florida were separate and distinct governments. East Florida extending Westwardly to the Apalachicola. In the treaty of cession they are spoken of as different and distinct provinces and Territories. The relative geographical position of the East and West Florida, (attaching Middle Florida to the West and South Florida to the East,) occasioning them to be but little identified with each other in pursuits, habits, customs, trade, interests or feelings.

They have but little intercourse or association with each other, and but for being now under one government, would have less. The commerce of the Middle and West is chiefly, and always will be with the Southwest. That of East and South Florida, is confined to the Atlantic ports. Middle and West Florida are cotton growing countries, the East with a more genial climate, will be in addition and perhaps principally devoted to the cultivation of Sugar Cane, Tropical Fruits and Plants, to Fishing, and raising Stock. Their remoteless and the difficulties which will ever exist in the speedy transmission of intelligence between them, renders it proper, especially in time of war, that they should be under different jurisdictions. Their people are as much strangers to each other as the citizens of Louisiana and Georgia.

They should be divided, every consideration of convenience:

every dictate of justice, and every rule of right demands it.—Early after the cession, and in 1822 the people of East Florida, by a Delegate, who well understood their wishes and rights, attempted to procure the establishment for them, of a separate Territorial government in East Florida, and although he failed, the right has never been yielded or abandoned.

The policy of the slave holding sections of the Union, demands that there should be two new Southern States. We are already overborne, and without our equal and just influence in the Councils of the Nation. And why should Southerners resign the privilege and right of an additional Southern State formed out of East and South Florida, to balance the Western Territories, which in a short time will knock for admission as the *States of Wisconsin and Iowa*? It is political suicide.—We are willing to yield to Middle and West Florida, all West of the Suwannee River; but we must be permitted to judge of, and consult our own wishes, feelings and interests on this subject. We object to being dragged and coerced into such an unnatural union, which, when once consummated, we fear cannot be dissolved. Let the Middle and West, if they so choose, become a State by themselves, but let the East remain at present, as she was ceded to the United States by Spain, if *poor*, still separate and independent.

Her people were not bartered as slaves, without political rights, they claim to have some right of volition, and it will be exercised on this subject, against what they conceive the impolitic, unwise, and mad scheme of setting up for ourselves before we have arrived at years of political discretion, much less at legal majority, merely to gratify the ambitious aspirations of impatient politicians.

In behalf of his constituents, the undersigned demand of their fellow citizens of the Middle and West, from Congress and from the people of the United States, some regard for their rights, interests, and feelings, and that though a minority of the *whole Territory as now existing*. They may not be persecuted and oppressed to promote the schemes or interests or wishes and views of others.

The undersigned ask that this report be printed, spread upon the journals, and a certified copy sent to our Delegate in Congress.

JAMES G. COOPER,

Chairman select committee of the Senate.

Which was read, and ordered to be printed.

Mr. English from the same committee, made the following report:

Mr. English, as a member of the committee on the subject of the petition of his fellow citizens in East Florida, has had the

same under consideration and reports and believes, that true it is there are many, a very large majority of the people of the East for division, and they have a right to a respectful hearing, & all proofs they may desire on this subject, to become satisfied that the constitution was fairly adopted, by a large majority of the people of Florida, as a whole, and to satisfy them on that subject, I would respectfully recommend the passage of a bill or resolution requiring the proof of the opinions of the people of Florida on the state subject; and such a one as in their wisdom would best accomplish the object required. This member of the committee believes it would be an important southern measure for Florida to become a state immediately, was she able to bear the expense of it, which he somewhat doubts, that it would be more important, could we become two, he admits; but believes to divide now would delay our having a state at all, at least so long as he believes the immediate good of a southern state to the Union, or southern states would be vastly more important than the future acquisition, if at all of two states of Florida. He would for another reason, vote for a state government immediately, the people he has the honor of representing, have by their vote expressed a desire to become a state, and he does not feel warranted in doing anything that would retard any business of an enlightened people, who notwithstanding it might be somewhat inconvenient would prefer to suffer the inconvenience, and become a sovereign state. They have a right with open eyes to make their selection. Our becoming a state as a whole now will not prevent a future division, when population, wealth, &c. makes it desirable.

WM. F. ENGLISH

Which was read and ordered to be printed.

Mr. Edwards from the committee on the militia made the following report:

The Committee on Militia, to whom was referred so much of a communication from his Excellency, as purports to be an extract of a letter from Lieut. Col. Blackburn, setting forth the claims and recommending the payment of the same, of two Indians, namely: John Perryman and Joe Miller, who acted as guides to Capt. Buie's company, for the term of three months, whilst said company was in the U. S. service, and should have been paid (if such services have been rendered) by the mustering officer of said company, beg leave to report:

That whilst there are so many claims of a more pressing and important nature to be liquidated, and provided for by the Legislature, that we be dismissed from any further action on the subject.

J. D. EDWARDS, Chairman.

Which was read and ordered for Monday.

Mr. Livingston from the Committee on Finance, made the following report:

The committee to which was referred the memorial of John G. Gamble Esq., President of the Union Bank, asking a repeal of the 34th section of the charter of said Bank, beg leave to report—

That they have given to the memorial the most mature, and they may conscientiously say, the most anxious consideration, that their other official duties would permit; and the result of their best reflection is, that the prayer of the memorialists is reasonable, and ought to be granted.

Many of the views which bear upon the subject of the memorialists are presented by the Directors of the Union Bank, pursuant to the unanimous wishes of their constituents whose mortgaged property is estimated at three millions of dollars, along with debts due them for discounted bills, of three millions and a half, and the profits upon these discounts of 334,000 dollars, already realized, making an aggregate amount of six millions eight hundred and thirty-four thousand dollars, is all pledged to indemnify the Territory against any loss that might be apprehended from a failure on the part of the Bank to pay the principal and interest of the 3,004 bonds, of which 700, now unsold, constitute a par.

The real value of the mortgaged estates, composing the largest item of this indemnity, is represented to the committee to exceed in value, by at least two millions of dollars, the above estimate; so as to extend the indemnity to a sum exceeding eight millions eight hundred and thirty-four thousand dollars. More than five millions eight hundred thousand dollars must therefore be totally sunk, before the Territory can be exposed to any loss whatever.

That the statements which warrant this conclusion are entitled to confidence, is evident, not only from the character of those who supply them, but by facts, worthy in this enquiry of special notice.

The stock of the Union Bank has, in a few instances, at various periods, been exposed to sale, at public auction; but no sale has ever been so made at less than an advance of from 25 to 30 per cent. on each share of \$100, and no stockholder can now be induced to sell his stock for less than the least of these premiums. Moreover, many of the largest stockholders, including several directors of the late and present board, having, as is represented to your committee, estates of the value of a million and a half, and owning stock exceeding in the aggregate a moiety of that sum, have endorsed the post notes of the Bank to an amount exceeding two hundred and ninety thousand dollars, and bonds to the further amount of more than half a million; thus becoming personally liable to the extent of eight hundred thousand dollars for the debts of the Bank, manifesting thereby their entire confidence in the statement submitted by the late board to the last annual meeting of the stockholders, and by the present board to the committee.

Admitting those statements thus attested to be entitled to credit, (and your committee repose unlimited confidence in their truth, although they unanimously and solemnly repudiate the idea that the Territory is not ultimately bound to redeem its faith, plighted to the public creditor who holds its bonds, they as unanimously believe that a perfect indemnity exists to guard the government and people of Florida from any future loss or hazard in consequence thereof.

They have, therefore, more readily, but, for the same reason, more cautiously, considered in all its aspects the prayer of the memorialists to be permitted to sell the remaining 704 bonds issued to the Union Bank without the restrictions imposed by the charter.

The facts and views of the memorialists, on which they ground their

prayer, and which have been duly considered by the committee, are strictly the following:—

1st. The failure in Florida to a very great extent of the Cotton crop of the past year.

2nd. The magnitude of the debts due to the Bank by its customers within the Territory, and their present inability, for the reason above mentioned, to pay them promptly.

3rd. The very large sums which the Bank is required to remit abroad in the course of the present, and the first half of the succeeding year.

4th. The vast loss which the Bank must unavoidably sustain if those sums are to be remitted at the present rate of Northern Exchange.

5th. The heavy pressure which it must make upon its debtors, and those debtors upon those who are indebted to them. If the Bank attempt to force the payment of a sufficient sum to make those remittances and to provide that exchange.

6th. The probable loss of many of those debts if their payment be urged by the issue of executions to be levied on property, to be sacrificed at public auction.

7th. The great probability, if not absolute certainty, that the sale or hypothecation of the unsold Bonds, now the *unproductive* capital of the Bank will enable it, not only to meet all just demands likely to be made upon it for immediate payment without those ruinous consequences to their honest debtors and to the community at large, but to provide an ample fund for the resumption of specie payment, a measure by which not only the Bank, but the people will be relieved from the evils attending on a currency depreciated for every purpose abroad, involving a ruinous rate of mercantile exchange, aggravated by the notorious fact that this Territory imports and consumes annually an amount in value very nearly equivalent to, and in some past years, greatly exceeding its whole exportation abroad.

8th. That whatever loss may be sustained on an actual or conditional sale of the Territorial bonds, or on a sale of the bonds of the Bank endorsed by the Directors & Stockholders, and secured by the hypothecation of the former, cannot fail to be less than that which the Bank must inevitably and irretrievably incur from remitting to the North at the present unfavorable rate of exchange the very large sums which it must very shortly pay or be dishonored. And this loss supposes its collections at home to be of adequate amount to provide the necessary bills, that those bills can be procured within the Territory; that the demand for them shall not occasion a farther increase of the rate of exchange, and that the Bank will be under no obligation to resume the payment of specie within this or the next year.

In case of such resumption, a farther sum must be collected to begin and continue that measure which, if indiscreetly began and abandoned from necessity, must leave the Bank in a worse condition than if it had not been attempted.

The committee proceed to contrast the operation of the two modes of relief to which their attention is invited by the concluding paragraph of the memorial of which they have given an analysis, and trace their operation, in combination with a memorial exhibit of the liabilities and resources of the Union Bank, and with the process by which the Directors propose to provide for the former.

The Union Bank must pay in the month of June next, on account of its agent in New York,	\$26,000 00
In the months of July and January next, on account of interest on the \$2,296,000 of Territorial Bonds already sold of which \$72,000 is due in New York, and \$65,700 in London and Amsterdam, equivalent to \$72,000 more, in New York exchange, being added,	144,000 00
On the 15th July next the first year's interest of 7 per cent. on the deferred deposit account,	15,600 00
In London on the 1st July next, to the house of Huth & Co. assignees of the Bank of the United States, with interest, £30,000 sterling, equivalent to \$153,700 in New York,	153,700 00
On the first of March and the fifteenth of July, 1842, the deferred debt including its last year's interest,	278,000 00
On the first of July, 1842, the interest again due on the Territorial Bonds,	72,000 00
Making an aggregate of	\$688,700 00

To which if the Bank be required to pay specie, the further sum of \$311,300 may be added to pay the deposit debt not deferred, and to provide an adequate fund in specie to sustain the remaining circulation of the Bank.

These two sums make a total amount of one million of dollars, all of which, if provided at all, must be obtained at the expense of 40 per cent. computing the price of bills at their present high rate. So that to produce it 1,400,000 must be extorted from the Debtors of the Bank whose debts are subject to curtailment, except the inconsiderable amt of interest due on stock notes, which are not curtailable according to the terms of the charter, and this sum is exclusive of a balance which will be due to the Bank of the United States, having been deferred on condition of paying to their assignees in London the sum inserted above, among the immediate liabilities of the Bank.

The Senate are more capable of judging, than their committee, of the probable effect of any attempt to enforce the payment of near a million and a half of dollars under the present circumstances of this Territory, and if collected by legal process the loss to be incurred by the Bank, in its remittances abroad, for it is all to be paid or provided for by the purchase of Northern funds, is to be charged on what? that very surplus of \$331,000 which the Territory has been instructed to regard as the readiest resource for the ultimate payment of the Territorial Bonds sold or to be sold, and as a fund after they shall have been paid, to be equally shared by the Territory and the Bank.

On the other hand, should an equal loss be sustained in the sale or hypothecation of the Territorial Bonds not yet disposed of, it will be paid at the expense of the same fund, though leading, as will be shewn to very different results as regards the Bank the people and the Territory, with but one exception that the bonds will have passed from the Bank and have become (at an earlier period than might otherwise) the property of the purchaser; still as this exception will leave the indemnity of the Bank precisely in the same condition as the loss to be incurred from the present unfavorable exchange abroad, should these bonds not now be sold, no objection can arise from the admitted responsibility of the Territory, for their payment in the event that the Bank shall be in capable of doing so, and that incapacity can arise as has been shown *only* by the loss of its resources to an extent exceeding more than five millions and a half of dollars.

But the Directors assure the Committee that they apprehend no such loss.

They are confident that they can raise by a sale of those Bonds, or by hypothecation of them, as a guarantee of the earlier payment of the endorsed bonds of the Bank already remitted to London, a sum not less than 75 per cent. upon the \$704,000 and of this sum they propose making the following disposition:

To pay _____ & Co. in London, £3000 sterling,
with twelve months' interest, \$145,000 00

To pay in London and Amsterdam the foreign interest on
the Territorial bonds already sold, and to be due in July
and Jan. next, 65,760 00

Making together a sum due abroad of \$210,760 00

Which, deducted from the sum raised in London in the
mode before mentioned, being 528,000 00

Will leave a balance of \$317,240 00

To be transferred to New York, with the current rate of
exchange, estimated at $8\frac{1}{2}$ per cent. is 26,965 00

Will cause to be deposited then to the credit of the Bank, \$344,205 00

Deducting from this last amount the American interest on
the Territorial bonds sold in New York and payable
there on the first of July and January next, 72,000 00

And for the interest due in July and January next on the
deferred debt of \$278,000, 15,000 00

\$87,000 00

There will remain, 257,205 00

of the \$528,000 to provide for the part of the deposit debt
which may exist on the resumption of specie payments,
and to sustain a circulation amounting at present to but
\$336,000, and in a course of reduction by the collection of
interest on loans, and by curtailments.

The proportion which should subsist between the specie of a bank and
its notes in circulation, depends on so many circumstances peculiar to
the condition of the country which that circulation pervades, that it
cannot be regarded as an invariable rate.

The circulation of Florida, varies in a remarkable degree with the
different seasons of the same year, as experience has demonstrated,
being greatest in the spring, while the crops of the preceding year are
reaching its destination abroad and least in the autumn, where it has
been exported and sold. It has never since the institution of the Union
Bank been less in any season of any year than in October, 1837, where
it had been reduced to \$234,283.

Smith in his treatise on the wealth of Nations estimates the propor-
tion of specie on which a Bank may safely rely to sustain its circulation
at one third of the latter.

In America where the surface of operation is larger, and the inter-
course of society, as well as the transit of merchandise and money, is
more tardy, the proportion of the specie to the paper currency of the
Bank has been much less.

At a period of great prosperity, preceding the suspension of specie
payments in 1837, this proportion among the Atlantic Banks, collec-

tively, north of the Potomac was one to six—and south of that river where the means of intercourse are less, advanced one to five.

The measure of this rate in a season of universal or general confidence cannot guide to a confident conclusion as to the proper rates, after that confidence has been impaired and prior to its restoration.

But while the Union Bank continues to press as far as practicable, with safety the curtailment of its outstanding debts, and the collection of its accruing interests as well as that in arrear since the two last sums computed for the coming year and a half, largely exceed its whole circulation now outstanding, it cannot fail to prevent a serious run upon it for specie: and that confidence which unforeseen disasters have impaired, will be renewed, as the cause which produced it, (the suspension of specie payments) ceases to exist.

The committee therefore concur with the memorialists in the confident belief that the provision which they propose to make for the resumption of specie payments will bear them through triumphantly.

For the other debts of the Bank, provision will be made by the Directors, partly by the renewal of public confidence, and partly by the efforts of the Bank to deserve and maintain it, in other words by the collection of interest on its outstanding debt, which should never be in arrear, and by curtailments, adjusted to the times and the respective circumstances of their debtors.

These resources may, without a very severe pressure, be gathered in time to meet the payment of the deferred deposit debt, and to discharge the balance which will be due in 1842 and 1843 to the Bank of the U. States.

After this the Bank will occupy a firm position, and profiting by its misfortunes will, it is hoped and believed, experience no recurrence of a trial like that to which it is now exposed.

The Senate, having already passed a bill to fix the time for the resumption of specie payments, the committee deem it unnecessary to avail itself of the first proposition of the memorialists. To the other and suitable modifications, they look with confidence to remove the only conceivable objection to the grant which the memorialists seek to obtain.

Instead of two per cent. upon such sum as the unsold Bonds may produce, the committee recommend the fixed amount of \$20,000 per annum as a sinking fund for their discharge. It will be calculated to enhance the value of the bonds to be disposed of, and insure their payment within a reasonable period, without subducting from the present resources of the bank, and in a mode so gradual as to produce no injudicious effect hereafter. In the bill which repeals the 34th section of the charter, they propose, therefore, to insert the necessary provisions for a sinking fund to pay off the 704 bonds, authorised to be sold without any further restrictions on their sale than such provisions will supply to effect their payment without a possible recurrence to the Territory.

M. C. LIVINGSTON,
D. G. McLEAN

Which was read, laid on the table, and ordered to be printed, and the accompanying bill read, and ordered for Monday.

Mr. Livingston offered the following resolution;

Resolved by the Senate, That so much of the 26th rule as requires that the three readings of every bill shall be upon three different days, unless the Senate unanimously direct otherwise, be, and the same is hereby repealed for the balance of the session.

Which was read.

The message of his Excellency the Governor, in relation to certain correspondence in reference to the payment of troops in East Florida, under Col. Robert Brown and Major Isaac Garrison, was again with the accompanying documents, read and ordered for Monday.

A bill to be entitled, an act regulating the fees of Jailors in this Territory, was read a second time.

An act to prevent the stealing of neat cattle, was again taken up, as amended by the House, for which amendments Mr. Walker offered a substitute.

Which was concurred in with original title.

On the question of the passage of said substitute, the yeas and nays were called by Messrs. Duval and Dupont, and were:

Yeas—Messrs. Brockenbrough, Cooper, Dupont, Edwards, Livingston, McLean, Pelot and Walker—8.

Nay—Mr. President—1.

So said act passed—ordered that the title be as above.

An act for the relief of the Tallahassee Rail Road Company, was ordered for Monday.

An act for the relief of Jabez B. Bull and Patrick Ker, was ordered for Monday.

An act to incorporate Cherry Lake Academy in the county of Madison, was read a third time and passed—ordered that the title be as above.

An act to incorporate the Hamilton Academy in the county of Hamilton, was read a third time and passed—ordered that the title be as above.

An act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company, was read a third time and ordered for Monday.

An act to ascertain the wishes of the people of Florida upon the propriety of going into a state government. On motion to strike out in said bill "Delegates Election," and insert election for Representatives, the yeas and nays were called by Messrs. Cooper and Pelot, and were:

Yeas—Messrs. Cooper, Edwards, Pelot and Walker—4.

Nays—Mr. President, Messrs. Brockenbrough, Dupont, Livingston and McLean—5.

So said motion was lost.

On motion to strike out all after the word "states" in the ninth line of section 2, of said bill, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Messrs. Cooper and Pelot—2.

Nays—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean and Walker—7.

So said motion was lost—said bill was ordered to be engrossed for Monday.

The Senate then adjourned until Monday.

MONDAY, March 1, 1841.

The Senate met pursuant to adjournment and Saturday's proceedings were read.

Mr. McLean asked and obtained leave to be absent for the remainder of the session.

Mr. Dupont from the Committee on the State of the Territory, reported favorably on a bill to incorporate the Iola and St. Josephs Canal and Rail Road Company.

Which was ordered for to-day.

Mr. Brockenbrough from the Committee on Banks, made the following report :

The Committee on Banks to which was referred the memorial of the Union Bank of Florida, asking permission to sell the Territorial Bonds below par respectfully report:

That they have had the memorial under consideration, and to enable the Senate to decide upon a subject of so much importance and difficulty report the following facts: The Committee has conferred with the President and Cashier of the Bank and find from their statement, the following to be its situation, (in round numbers.)

Liabilities payable out of the Territory to January 1842.

Bank Bonds due 1841 to persons in New York,	\$ 26,000
Interest due on post notes to Jan'y 1842,	15,200
Due U. S. Bank of Pennsylvania 304,000, which may	
be postponed by payment in London in July of	145,000
Interest due on bonds for capital July,	72,000
Do do do Jan'y 1842,	72,000
	<hr/>
	\$330,200

Similar Liabilities to Jan'y 1843.

Debt to U. S. Bank	\$304,000
To be paid in 1841,	145,000

	<hr/>	\$139,000 with expenses say	\$160,000
Interest on post notes,			15,000

Principal of Do due about July 1842,	263,000
July and January, Int. on Territorial Bonds,	144,000
	<hr/>
	\$582,000
	330,200
Total liabilities payable abroad to Jan'y 1843,	\$912,200

It is believed, however, that the further payment to the U S Bank of Penn., can be without difficulty postponed for a period of one or two years longer by the payment of the \$145,000, mentioned in London, in 1841. What effect the recent failure of the creditor Bank will have upon the implied understanding, the committee is not prepared to say.

Liabilities in Florida.

Circulation,	\$330,000
Certificates of Deposit,	193,000
	<hr/>
	523,000
	912,200

Total liabilities to Jan'y 1843, \$1,485,200

The Committee have also enquired into the resources of the Bank, and how far the same can be rendered available by the utmost diligence and a severe pressure upon the debtors of the Bank, and find the following statement to be the utmost which can be relied upon, from *other resources besides the 704 unsold bonds.*

Territorial bonds for military services of which payment is promised by the Government of the U S	\$ 50,000
Arrears of interest due the Bank,	110,000
Int. falling due in the 12 months,	270,000
Notes &c of other Bank and Companies,	15,000
	<hr/>
	\$445,000

Paper due 1st Jan'y 1841 apart from stock debt,	\$1,356,962
At Agencies,	80,000
	<hr/>
	\$1,436,962
From this must be deducted as not liable to immediate curtailment,	
Debt at Agencies,	80,000
Do having time to run or precarious if pressed rapidly, (rough estimate.)	156,962
Possible ultimate loss,	50,000
	<hr/>
	\$286,962

Which deducted from \$1,436,962 leaves 1,150,000 liable to cur-

tailment. It is supposed by the Bank officers that it would be possible to obtain twenty five per cent of this amount by a system of curtailment rigidly enforced, if there should be an average crop at averaged prices—this would be \$297,500
To which add the interest, &c above, 445,000

And we have, \$732,500
The largest amount which the Bank can reasonably be expected to realise within 12 months by the severest pressure.

If we make a similar estimate for 1842.

Floating Debt, \$1,150,000
Less by curtail of 1841, 287,500

Curtail of 25 per cent in 1842 on \$362,500 \$215,625
Interest for 1842 on same debt, 69,000
Do on stock debt given as \$1,910,461, 152,836

437,461
To which adding our estimate for 1841, 732,500

We have total resources to January, 1843, \$1,169,961
Which would leave the Bank still \$265,239 short of redeeming its whole liabilities on the first of January 1843. This is but a rough estimate made by the committee from data furnished by the President of the Bank, but it is still an approximation which will enable us to judge of its situation.

It must be remembered, however, that the means of payment of our people are derived only from their crops, which are available only once a year,—and that we have estimated for the two next crops—whilst most of the heavy foreign liabilities of the Bank, though here divided between the years 1841 and 1842, come due before or during the summer of 1842, before the crop of that year is available, and they must be met by an extension of credit or the sale of the bonds, or from the crop of 1841, which is impossible by our estimates.

It will be observed also that we have based our estimates upon the idea of all the liabilities of the Bank being presented for payment on or before January, 1843, which would leave a deficit as above of \$265,239. But none of the circulation of the Bank would remain out under any circumstances. Some of it is probably lost by casualties. It consists of the remaining circulation of the Bank of Florida, the Central Bank and the Union Bank. The amount lost is estimated by some as high as \$50,000; we think it may fairly be considered at least \$25,000.

It is estimated by the President and Cashier of the Bank, from comparison of different years, that at least \$210,000 of its circulation would remain out under any circumstances short of an

absolute cessation of business by the Bank. They say that the lowest amount of circulation of the Union and Central Bank combined was \$257,000 in September, 1837. But it must be remembered that there was not then, and never has been, such a pressure since the establishment of those Banks, as we have supposed in our estimates. It is true that such a pressure if it can be actually enforced, would cause Union paper to rise continually until it became equal to specie, but until it arrived at that limit it would flow in in preference to any other means of payment and even after reaching that limit, being the chief medium of the country, it would still come in in greater proportion than any other funds; and the community would accommodate itself to the change by the gradual introduction of specie and other bank paper, by the more active circulation of the money remaining afloat, by the more extended use of individual credits, and by the fall of prices. We believe that the circulation of the Union Bank might be reduced under the pressure described to the amount of \$100,000 and perhaps less. If this idea is correct the deficit in January 1843 would still be \$165,239; which however would be a small amount for a Bank of such resources and could easily be paid in the year 1843, if the system supposed *could be carried out*.

We have entered into the details here given to show the true situation of the Bank, and that with its present resources, *without a sale of the Bonds*, it cannot possibly meet its liabilities, by even the utmost degree of severity deemed practicable. But we deem it highly inexpedient if not dangerous to resort to such measures. We doubt the practicability of enforcing them.—We are satisfied that they would not only deprive us of all the alleged benefit which has accrued by the introduction of foreign capital through the Union Bank, but produce effects of a demoralising and disorganising tendency, ruinous to the resources of the Bank, impairing the security of the Territory, and convulsing society itself. We have no disposition to see men reduced to madness and despair by the ruin of all their hopes, the loss of their property, and the reduction of their families from luxury and comfort to distress and want. The secret removal of property—fraudulent conveyances—the resistance of process by mobs—combinations to prevent bidding, and the purchase of estates at nominal prices, by friends for the families of debtors have ensued from such a pressure in other states and times, and produced ruin to the parties exercising the severity, which has thus defeated its own object. We trust never to witness similar scenes in Florida, and would seek to avoid any action calculated to produce them by every means in our power. We are satisfied then that such measures alone will be impolitic, and if adopted inefficient.

The Bank officers speak of payment of the foreign debt by the purchase of cotton or bills drawn on cotton, (the same thing in effect) with her own notes as a practicable though ruinous measure, and as the only alternative, if permission to sell the bonds below par is refused. We are unable to say whether this is a measure seriously contemplated, or merely thrown out as an argument to show the propriety of granting their prayer by exhibiting the possibility of a more disagreeable contingency.

Be this as it may, we look upon such a course as entirely out of the question. When it is admitted that the loss by this attempt hitherto has been about forty per cent, and that forty per cent loss is the lowest estimate at which cotton or cotton bills could now be purchased with Union paper diminished as its amount now is, who can estimate the extent to which that depreciation would go if the Union Bank was to throw itself into the market to buy \$500,000 worth of cotton or exchange. It would be found that the loss hitherto would be as nothing to the loss which would ensue. The depreciation would be so rapid that this resource would speedily exhaust itself, and the Bank would in the mean while be destroying those valuable assets which alone give it true credit and entitle it to ultimate confidence, to preserve for a short time longer the phantom of credit which such dearly bought punctuality would give it abroad, and which could under those circumstances be of no practical benefit, and must instantly evaporate when the means failed to continue its existence; the very time when it should be useful *if ever*. The Bank would for a time pay its debts abroad by creating a new debt at home at a loss of 40, 50, 60, and 70 per cent, whilst this new home debt would flow in upon the Bank at par and pay off and destroy that large amount of securities upon which the Bank so plumes itself as proving her ultimate solvency, and which are really so valuable and should be so carefully cherished as the means of safety to all, and profit to the stockholders.

In other words the Union Bank would be paying off her foreign creditors with her present assets all of which are reported good, at 40, 50, 60, and 70 per cent discount, whilst at the same time she would be deranging business affairs by flooding the community with a depreciated currency. If such a proposition were directly made, it would be rejected with scorn, and yet it is seriously talked of as the only alternative; if leave is refused to sell the bonds below par. It would be better for the Bank at once to suspend payment and endure discredit upon her foreign liabilities as she has long since done upon those at home.— Those creditors themselves would see and approve the propriety of such a course in preference to one which must lead to the same result, after diminishing the resources on which they depend to an extravagant extent. They would see that by such

a suspension the Bank could restore its credit at home, and in a short time be enabled to resume payment abroad.

It is no argument to say that these are losses which would fall upon the stockholders, and if they choose to bear them, the community and the Territory have an interest no the matter. The Stockholders are the *largest Debtors* to the Bank & they make every cent of the depreciation of the currency in paying their Debts to the Bank, and thus the immediate individual interest outweighs the ultimate interest in the profits of the Bank whilst the community encounters all the evil of the depreciated currency, and the Territory the risk of ultimate loss, without a shadow of countervailing advantage, whilst the risk to the stockholders of ultimate loss is more than counterbalanced by a present and immediate gain. We should look upon such a course as an unwarrantable determination (to use no harsher epithet) to put money into the pockets of the Stockholders at the expense of the rest of the community, under the specious pretence of preserving credit abroad.

The Stockholders have adopted the more honest course of exposing their situation, and asking leave to sell the bonds below par.

The only question which remains is whether we shall grant this request, and if so under what conditions, or whether we shall leave the Bank to recover from its difficulties in the best way she can, by pressing her Debtors and by resorting to that boasted foreign credit which it seems must be maintained even for a season at the hazard, or even certainty of ultimate ruin. We will consider the last proposition first. We see no more disgrace in failing to pay the Bank bonds given to the United States Bank for its post notes, (which were protested) or the post notes of the Union Bank given to redeem its circulation, or in asking extension or renewal upon them, than in failing to pay its ordinary certificates of deposit or circulation, or asking extension upon them. The only difference is, that to the last the Bank has become so accustomed as well as the other southern Banks, as to cease to blush. Whilst she modestly shrinks from the former, because though the same act, she is accustomed to do it in a different manner.

We see no reason why such an extension may not be asked and received. The credit of the Bank is as good now *abroad* as when the loan was made or her sacrifices have been in vain. Her resources are even greater, she yet has the bonds and an accumulation of individual paper, as her losses have not exhausted her annual interest. If she can obtain such an extension, and stop her exhausting and ruinous method of payment, she will be enabled fully to redeem her faith hereafter, and her creditors in the meanwhile have better security than before.

It is true that the non payment of the interest upon the Territorial Bonds, would be more disgraceful than the dishonor of ordinary liabilities, because it would violate the faith of the Bank to the Territory, as well as to the foreign creditor, and lower the character of the Territory abroad, which has been in this respect placed in the keeping of the Bank.

But, it might be possible for the Bank if its other foreign debt was postponed, to be enabled to meet its interest. Perhaps the holders of the Territorial Bonds, to whom the interest has been hitherto paid punctually, and who seek investments and not money, might be induced to take more Bonds in payment of the interest or a part of it, rather than suffer the property in such Bonds which they already hold to be depreciated, either by the non payment of the interest or by other Bonds of the same character being thrown into the *market below par*. Their interest to

prevent such a depreciation is clear. And they might be satisfied by investigation that the security of the money they have already invested and the punctuality of the payment of the future interest would be effected by taking a few more of the same Bonds which they have hitherto deemed a good investment. It is true that if the Bank meets them with a power to sell the new bonds under par, their cupidity might be aroused, and a counter-vailing interest excited, to obtain more of the same Bonds at a lower rate.

It may also be questioned whether a departure from our previous policy, by permitting a sale of the bonds below par, might not have as injurious an effect upon our credit abroad, as a temporary suspension of payment of the interest. The one is as much an acknowledgement of present weakness as the other. Such a suspension arising from absolute present inability to pay, and with a view to provide certain ultimate means of payment at the earliest possible day, accompanied with a refusal on our parts to allow our bonds to be sacrificed, would strengthen their credit, it would seem by manifesting a determination to pay when able, and be in effect a ratification of their validity, whilst a willingness to permit a sale at any price, would seem to imply a carelessness arising from a determination not to pay them.

If the bonds are to be sold below par to the present bond holders, it is a voluntary sacrifice to their cupidity. If to other persons, it is a depreciation upon our parts of the market value of the property of those who have loaned us their money, upon the faith of existing laws, and the belief that this Bank would not be permitted to throw other bonds into the market at a depreciated price.

Indiana and Illinois bonds have sold at 62 and 65 cents, we have no reason to suppose that the Florida bonds could bring more than 70 cents, though sustained by the mortgages, unless bought by those who already hold such instruments to prevent depreciation. We do not profess to be learned in modern financiering or the principles which influence stock jobbers, but in the transactions of ordinary life, if a man was to borrow money at 30 per cent. discount on his paper and *pay interest as for a hundred*, for the purpose of paying his debts, and preserving his credit he would scarcely be considered sane. Merchants sometimes make heavy sacrifices to meet immediate engagements and preserve their credit, but we doubt if many ever encountered loss like this, on any large amount, and proved ultimately solvent. And a merchant may conceal such transactions, and the loss is encountered to avoid an exposure of his true situation at a critical period, by passing which, he supposes he can recover himself. But it is not so with our Bank, her situation is known and her sacrifices must be exposed—will such exposure preserve her credit? And after all it may be asked what is this credit worth which requires our bonds strengthened by all the assets and mortgages of the Bank, to be sold at a sacrifice so heavy to meet present engagements, when there is an absolute certainty, that a temporary suspension will enable the Bank to pay all her liabilities and her interest punctually ever afterwards?

These are questions which, we admit, we are too ignorant of the subject to answer, but are thrown out for the consideration of the Senate, with the acknowledgment that wiser and older men differ with us, and especially the officers and stockholders of the Bank who know at what expense their credit has been maintained, and what it is now worth. We cannot put an estimate upon it, but it seems it is not sufficiently high to enable them to borrow money upon Florida bonds, secured abundantly by mortgages, and all the other resources of the

bank, and by bank bonds endorsed by wealthy individuals, without a discount, which would seem to an individual to be absolutely ruinous.

We understand from the officers of the bank that it is not proposed to sell these bonds below par, but to renew their loans, or borrow more money upon the bonds of the bank endorsed by individuals, with an hypothecation of the Florida bonds, to be sold at not less than a certain stipulated price, if the bank bonds should not be met at maturity. And they are sanguine that by obtaining such a loan, all their obligations may be met, and such bonds redeemed, so as to prevent any loss. It would seem from this, that Florida faith and honor is yet held in some estimation abroad, and that Florida credit still stands higher than Union Bank credit, endorsed by individuals, otherwise the Territorial bonds would be no more security than the bank bonds alone. This credit is based upon a well founded idea that no community can exist among the American Republics which can deliberately repudiate its solemnly pledged faith and honor, after pledging them for a loan of money, however impolitic and unwise may have been the appropriation of that money, and although accident and misfortune might compel a temporary suspension of payment.

If the bank bonds in question are to be sold *at par*, with an hypothecation of the Territorial bonds to secure them, it is difficult to see why the Territorial bonds may not be sold at par, with an hypothecation of the bank bonds with individual endorsers to secure the interest, if such further security is deemed necessary. The giving par for the bank bonds, under such circumstances, would prove that the security was perfectly satisfactory, and yet if the Territorial bonds were bought, and the bank bonds hypothecated, the security would be the same. It is true that the Territorial bonds have a longer time to run; but when bonds sell at or above par, which implies that the security is perfectly satisfactory, we are told by the President of the bank that the longer time the bond has to run, the higher price it will bring. If, on the other hand, the bank bonds are to be sold below par, and the Territorial bonds to be hypothecated, with a privilege to sell them *also below par*, if the bank bonds are not paid at maturity, there is a prospect and possibility of a loss double that which we have been considering, and it would seem that foreign capitalists were taking advantage of the necessities of our bank to impose most onerous terms.

Whether the bank will be able to realize the sanguine hope expressed by its officers, of meeting such new debt at maturity, the Senate must judge for itself from our previous estimates based upon data furnished by the bank.

The committee will only remark that hopes equally sanguine, and based upon foundations apparently firmer, have hitherto proved fatally deceptive. When the bank received its first million of dollars, and breathed life and energy into all around, it was fondly hoped that with such a capital, and such a country, so well repaying the wages of labor and profits of capital, no difficulty could ensue, the bank must always meet its engagements. Intoxicated with the belief, the bank was lavish in its favors, & the country grew wild with idle extravagance, & unwholesome speculation, and in 1837 the Union Bank suspended before the Banks of New York. In 1838, she purchased the Central Bank, which gave a large supply of specie, and removed the only restraint from her freedom of action. In that same year it received its new bonds, upon which \$1,296,000 were obtained. Sanguine and well founded hopes were entertained that even this amount would place in an impregnable position a bank whose original capital was only a

million, but it disappeared as if by magic, and we can scarcely say that its paper appreciated in value.

It borrowed upwards of \$500,000 of the United States Bank, and the *hope was sanguine* that this would relieve the bank, and would be easily payable at maturity, and yet the notes have all the time sensibly depreciated, and this last loan is one of the very difficulties we have now to encounter, though the bank has made heavy sacrifices to maintain itself in the interval. In all these cases, the *sanguine hopes* of the Bank and the country have been disappointed. Is she better off now? Compare her immediate resources and liabilities *now*—and *then*. Are the former greater or the latter less now? Compare her credit at home and abroad now and then. When she borrowed post notes of the U. S. Bank at eight per cent, to pay interest accrued on bonds bearing six, or to redeem her ordinary circulation, could it have been imagined that she would now be asking leave to borrow at a loss of 25 or 30 per cent and eight per cent interest on the amount received, to pay that debt?

If \$300,000 would not relieve her *then*, will \$500,000 *now*? Was it contemplated by the framers of the charter, that the bank should borrow at eight per cent in Philadelphia to lend at eight in Florida, where too much paper was already afloat? and then borrow at a heavy loss to pay that debt? Was it expected that the bank should borrow abroad till its credit was exhausted, to lend at home till its paper depreciated?

These are questions which your committee, acknowledging their ignorance of the science of banking, and the mystery of financiering, cannot pretend to answer, but which the Senate must answer before it can determine whether or not the sanguine hopes entertained of relief from the measure proposed, are well founded.

It will be remembered that in the loans hitherto, the bank had its 704 bonds still under its control, as a final resort. But if they are sold now below par, there is nothing left, but the debtors in Florida, from which the bank can hope for relief. If the hopes entertained should fail, we shall still be driven to the last extremity, to suspend payment on the foreign debt, accumulated in amount. If there is no hope of extension and forbearance now, without a privilege of sacrificing the bonds, there will be still less then, as the bonds will be no longer ours. If these hopes fail, the bank will be forced at last to call upon its debtors, with a rapidity and severity which will be oppressive to the people, ruinous to the bank, and dangerous to the Territory. No one can doubt—not even the most sceptical—the mind most obtuse, in perceiving the obligations of national honor—or the most acute in discovering modes and reasons for evading its dictates—that the Territory would be fully liable for the bonds thus to be allowed to be sold below par, after all the discussion on the subject, by a deliberate act of the Legislature.

We do not doubt the ability of the bank to meet all these bonds in time, by judicious management, but we do doubt such ability to meet them in a short time by immediate pressure, under circumstances which would exhaust the country of money with which to buy the property of its debtors.

The only question which remains with those who doubt the realization of the hopes of the bank by the sale of the bonds, and who also doubt whether it can obtain further credit abroad with its present resources, and by the use of the bonds, is, whether it is better to suspend payment now, and prepare to resume under better auspices, or to sacrifice the bonds and then suspend payment.

They cannot part with the bank memorial without noticing a portion of it which is of too extraordinary a character to be passed

without comment. At page three, the memorial states—"The public mind has been impressed with the belief, that the existing evils are all attributable to the banks, who, by an imprudent extension of discounts, have made over issues of bank paper. Hence every remedy proposed, has for its object to compel the banks to reduce their circulation.

The evils complained of are—

1. Extravagant rates demanded for northern exchange;
2. An alledged depreciation in the value of our bank currency;
3. And at the same time an acknowledged and distressing scarcity of that very currency.

This last admitted fact should induce a doubt whether the public mind has not mistaken the true cause of our embarrassments. And that doubt must be strengthened by two other undeniable facts. That the bank circulation of the Territory is less by one half than it was before the suspension of specie payments; and that the circulation of this bank is much less in amount than will be due and payable to it, in the course of the year, for interest upon its discounts. Surely these facts ought to disabuse the public mind.

The true cause of the high rate of northern exchange, is the *northern indebtedness of the Territory*; an indebtedness exceeding the value of her exports. And if by curtailments, the bank could have withdrawn every dollar of its notes from circulation, the measure would neither have paid one dollar of northern debt, nor have reduced the rate of northern exchange 1 per cent. Although it would have received money, &c have added to the embarrassments of the country, by depriving it of its chief currency.

The obvious remedy for the derangement of inland exchanges, as well as for most of the other evils endured by our community, is the payment of the northern debt: and the obvious means of paying a large amount of it, is a sale of the 704 Territorial bonds, held by the bank. Without such sale, the bank and the community must continue to suffer."

The bank memorial in other places speaks of the depreciation as "real or imaginary." The committee will not venture to express an opinion upon a subject with which the bank and its officers should, from their avocation, be so much better acquainted, but only venture to suggest the reasons why the public mind seems to have entertained the unfortunate delusion, that the *depreciation was "real."*

First—Because Union Bank money will not pass more than one hundred miles from the door of the bank, and there only at 40 or 50 per cent discount for real money.

Secondly—Because lands, negroes, merchandize, or any other article of intrinsic value, can be bought for 40 or 50 per cent less in money, or specie paying bank notes, than in Union money in Tallahassee.

The community also thought that one reason of the "distressing scarcity of that very currency," was because it takes *twice* as much of it to buy any article of value, as it does of any currency not laboring under a similar delusion. And thus the \$330,000 of circulation will buy no more articles of intrinsic value, than would \$115,000 of sound currency. And thus the scarcity of money is as severely felt as if the bank paid specie, and had only \$115,000 out, which is less than the bank officers contend is absolutely necessary, and \$95,000 less than they think would remain out under any circumstances.

The price of northern exchange is no higher now in some funds, than it has always been. Specie or its equivalent in value, will buy northern exchange for about three per cent. or the price of freight an

insurance, and something over for the greater convenience and saving of trouble; which is the natural rate of exchange. To complain of the high rate of exchange in Union money, is only another mode of complaining of the depreciation. The price of exchange and specie in Union money, varies little. The only way to "disabuse the public mind," would be, if practicable, for the Bank to pay specie; and then exchange in Union money, would be at the same price which it now bears in specie. And if half the circulation were to go in, money would be no more distressingly scarce than at present; because all that remained out, would double in value.

The object in wishing to force the Banks to reduce their circulation has not been based upon the idea that we should thereby be enabled directly to pay our northern debts, but because the banks by reducing their circulation would in time compel its debtors to pay in cotton or cotton bills or money, or something else of a real intrinsic exchangeable value, and thus enable the Banks to put out a sound currency with which the holders could buy exchange near the natural rate, or draw specie and ship it in payment of Northern debts.

We do hold the Banks responsible for all the excess of our Northern indebtedness, because independent of her own large debt abroad which causes her to be a large purchaser of exchange thereby raising the price upon others and preventing them from paying. She has also created a large amount of local debt to herself upon which she has been so indulgent, as to permit and encourage extravagant expenditures in foreign luxuries and comforts, to an amount, including the Banks' debt abroad, exceeding our exports, as the memorial states. And thus still further enhancing the price of exchange, by causing the demand to exceed the probability of supply. If the Bank had been less liberal in its loans, or more punctual in exacting payment, the produce which has gone abroad to buy luxuries, and to establish credit upon which more might be bought, would have come to the Bank in return for its loans, and the excess of foreign debt complained of, could not have existed. The Bank has complained that its debtors paid their produce to their merchant instead of to the Bank. This fact of itself proves our views to be correct.

The Bank has now due to it a domestic debt of	\$1,436,962
Besides a debt of the Territory,	50,000

1,486,962

Of its own voluntary creation, besides the stock debt created by its charter of

\$1,910,461

Making an aggregate of

\$3,397,423

Whilst its whole actual capital is

2,296,000

Making a surplus of debt of

\$1,101,423

On deducting its stock debt which was created by charter from its actual capital, we have a surplus for banking of \$336,549, upon which the Bank has contrived to produce an indebtedness on the part of the country of \$1,486,962, or nearly four dollars for one of its disposable capital. Under these circumstances we might with more propriety say that the high price of Northern exchange is produced by the immense amount of debt we owe to the Bank, which we are now called upon to pay at the same time and with the same means with our northern debt, which her indulgence permitted and encouraged us to contract.

This Bank being compelled to lay out of so much of her capital on long loans by her charter, should have banked with more than ordinary

caution upon her small remaining capital. Because in addition to the ordinary difficulties of Banks, to meet their circulation, she had a heavy annual debt to pay abroad, which she could not meet if her circulation was extended in the usual banking proportions, and at the same time meet that circulation.

The Bank proposes as an inducement to us to grant her prayer, that she shall be compelled to pay specie in six months from the sale of the bonds, and that she shall annually appropriate two per cent. of the amount of the bonds as a sinking fund.

If the Bank *hypothecates* the bonds as she seems to contemplate, then the *six months* will never arrive, unless the Bank fails to redeem her own bonds and permits ours to be sold, in which case she will not be able to pay specie.

And even if the bonds are sold *at once* we see no use in specifying such a limit, because if unable to pay then, she would not, and the act would be a dead letter, and if able, we have sufficient confidence in the integrity of the Bank officers, to believe that they would resume.

And as to the sinking fund proposed, we consider all the assets of the Bank and all profits, as a fund for the payment of these bonds, and we do not see that calling a particular portion a sinking fund will increase our security.

It is purposed by the report from another portion of this committee, and by the committee of the House of Representatives with which we were ordered to confer upon this subject, that the mortgages and bonds given to secure stock, should be deposited with the Territory. But the eighth section of the original charter already requires that those bonds and mortgages shall be given to *secure the Territory*. And they are recorded. They are in the name of the Bank, but for the benefit of the Territory. The charter prescribes the only mode in which they can be cancelled, viz: by substituting other property of equal value. And the directors have the right to judge of the substitution as they had the right to judge of the original mortgages, and the Territory is represented in that body. The committee cannot discover any additional *safety* which would be secured by placing the original mortgages in the custody of the Territory.

Believing that most of the misfortunes of the Bank have arisen from defects in its constitution, and believing that similar causes will continue to produce similar effects, your committee can see no remedy other than a reform in that constitution. To effect which would require the assent of the stockholders; and only upon such assent given, would your committee advise under any circumstances, a consent to the prayer of the Bank. The committee would propose,

1st. That the Bank should issue no more paper under any pretence, till specie payments are resumed, and that such resumption should take place at least as early as April 1842.

2d. That the Bank be divided into two distinct departments. The Union Loan Office—and the Union Bank. The former to be under the control of three Commissioners, one to be selected by the Territory, and one by the Stockholders, and a third by those two, who should give proper security, be paid by the Bank, keep their funds in separate vaults of the Bank, take charge of the bonds and mortgages, report annually upon the situation of mortgages, the deaths and births of slaves &c.; and collect the interest due on stock by summary process, always in specie after the resumption of specie payments; who should make arrangements abroad for the payment of the interest, and the purchase of bonds, under regulations to be prescribed in the act. Whose accounts and funds should be subject to the inspection of the President of the

Bank, but not under his control, or be liable to appropriation to any other purpose than payment of the interest and bonds.

31. All the other rights and credits of the Bank, and all other liabilities, should be subject to the Bank Department, which should always pay specie, or instantly forfeit all banking privileges, and be placed in the hands of commissioners to wind up. Which should make an estimate every year of its profits, and pay over the same in specie, to the loan office, to pay interest and bonds. Which should have a smaller number of Directors than at present, who should never lend to any of their own body.

4. The 704 unsold bonds should be made redeemable at the pleasure of the loan office, in the order of their numbers, and all other bonds be first redeemed when at par or below it.

In order to test the will of the Senate upon the question, and determine at once whether it is willing to grant the prayer of the Bank, we propose the following resolution:

Resolved, That the Committee on Banks be requested forthwith, to report a Bill based upon the foregoing principles, and repealing the thirty fourth section of the charter of the Union Bank, upon condition that the Stockholders first agree to the modifications of the charter, to be contained in such Bill.

W. H. BROCKENBROUGH.

Chairman of the minority Com. on Banks.

Which was read, received, and ordered to be printed.

The same from the Judiciary Committee, made the following report, viz:

The Committee on the Judiciary, to which was referred, an act entitled an act to amend an act entitled an act concerning the appointment and jurisdiction of Justices of the Peace, report:

That they cannot discover in what the act proposed varies from the present law, or what purpose will be effected by its passage, and therefore return it without amendment, and recommend its indefinite postponement.

WM. H. BROCKENBROUGH, Chairman.

• Which bill was indefinitely postponed.

The same from the same committee reported an act giving the right of lien to shipwrights, material men, &c. in this Territory, with amendments.

Which was read a second time, and ordered for to-day.

Mr. Livingston offered the following resolution:

Resolved by the Governor and Legislative Council of the Territory of Florida, That the Auditor of the Territory be required to audit the account of R. K. Call, late Governor of Florida, respecting the expenditures of the money raised for the defence of the frontier, under an act in addition to the military laws now in force, approved 4th March, 1837; and that a copy of the same be deposited in the office of the Secretary of the Territory, and that the Governor be requested to forward two copies of the account current, to Washington City, one to the President of the United States, and one to our Delegate in Con-

gress, and that he be requested to procure the passage of a law to remunerate the Territory by payment of the same.

Which was read.

The Senate received from the House, a resolution for the relief of John Wooten of Gadsden county.

Which was read and referred to the Committee on the Judiciary.

Also the disagreement of the House, to the amendments of the Senate to a bill to be entitled, an act to secure to the people of this Territory a sound currency.

On the question of adhering to the amendments of the Senate, the yeas and nays were called by Messrs. Pelot and Cooper, and were :

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Livingston and McLean—5.

Nays—Messrs. Cooper, Pelot and Walker—3.

Also the following message :

HOUSE OF REPRESENTATIVES, }
February 26, 1841. }

Extract from the minutes.

Mr. Brown from a select committee made the following report :

The committee appointed to confer with his Excellency the Governor, on the resolution passed by the Legislative Council for the relief of the executor of James W. Exum, late Marshal of the Western District of Florida, have performed that duty, and beg leave to report :

That his Excellency is satisfied with the explanation which the committee has had with him, in regard to the justice of said claim, and he has instructed the committee to report to the House, that if they will return the resolution he will sign it.

THOS. BROWN, Chairman.

Which was concurred in, and a copy thereof directed to be transmitted to the Senate.

Attest. J. H. GIBSON, Clerk, H. R.

Also as passed, an act to amend the charter of the Tallahassee Rail Road Company. Which was read a first and second time and ordered for to-morrow.

Also as passed, a bill to be entitled, an act to change the name of Abraham Marshall Trotman. Which was read, the rule waived and passed.

Also as passed, an act amendatory to the several acts incorporating the Central Bank of Florida. Which was read and referred to the Committee on Banks.

Also as passed, without amendment, an act to amend the 3d

section of an act entitled an act to establish two terms of the Superior Court in Columbia county.

Also as passed, a bill to be entitled, an act to encourage the destroying of wolves in the Territory of Florida. Which was read and laid on the table.

Also as adopted, a resolution for the relief of Capt. S. J. Perry. Which was read and referred to the Committee on the Militia.

Mr. Brockenbrough by leave made the following report :

The Committee on the Judiciary, to which was referred, an act to repeal the 4th section of an act entitled an act to amend an act passed January 31st, 1839, entitled an act to incorporate the city of Apalachicola, approved March 2d, 1838, report :

That the section sought to be repealed, requires a registry of voters in the city of Apalachicola. They have consulted the representative from Franklin, who introduced the bill, and ascertained from him that it is the wish of his constituents that the act be passed, as the registry causes trouble, and produces no good effect, being a measure entirely local. The committee report it without amendment, and recommend its adoption.

WM. H. BROCKENBROUGH.

Said bill was ordered for to-day.

A resolution for the suspension of the Territorial Revenue, reported by the Committee on the State of the Territory, was again read and adopted.

A bill to be entitled, an act to repeal the 34th section of the charter of the Union Bank of Florida, was laid on the table.

A resolution "to rescind the 26th rule of the Senate," was again read, and on its adoption, the yeas and nays were called by Messrs. Pelot and Cooper, and were :

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Livingston and McLean—5.

Nays—Messrs. Cooper, Pelot and Walker—3.

So said rule was rescinded.

Mr. Brockenbrough obtained leave to introduce "an act to alter the rate of damages upon protested bills of exchange." Which was read a first and second time, and ordered for to-day.

The Senate then took a recess until 4 o'clock.

4 o'clock, March 1, 1841.

The Senate met pursuant to adjournment.

Mr. Walker by leave introduced a bill to be entitled, an act for the relief of George Fisher and Wm. Wyatt, and Giles

Stewart, his securities. Which was read a first and second time and ordered for to-day.

The report of the Committee on the Militia, on so much of the communication of his Excellency the Governor, as purports to be an extract of a letter from Lieut. Col. Blackburn, &c. was again read and concurred in.

A bill to be entitled, an act regulating the fees of Jailors in this Territory, was read a third time and lost.

An act for the relief of the Tallahassee Rail Road Company, was read a third time and passed—ordered that the title be as above.

An act for the relief J. B. Bull and P. Ker, was read again, amended, and ordered to be engrossed for to-morrow.

An act to incorporate the Tampa Bay, St. Johns Rail Road, Canal and Steamboat Company, was read a third time and passed—ordered that the title be as above.

An act to ascertain the wishes of the people of Florida upon the propriety of going into a state government, was again read, to which Mr. Cooper offered the following amendment :

And whereas, under authority of certain acts of incorporation of the Banks of Pensacola, the Southern Life Insurance and Trust Company, and the Union Bank of Florida, certain bonds and guarantees have been issued to said corporations, purporting to pledge the faith and credit of this Territory, for three millions nine hundred thousand dollars, *principal* payable some years hence, and also the interest thereon, amounting to two hundred and thirty four thousand dollars annually ; and whereas, it is contended that under said acts, other guarantees to a large amount can be claimed of the Executive of this Territory, and whereas, many citizens of this Territory contend that the said acts attempting to pledge the faith and credit of the people of Florida, for the benefit of said corporations, were and are invalid in that regard, and that the said acts were and are, so far as they purport so to do, an usurpation, and that the whole people of Florida, are not legally or morally bound for the redemption thereof ; and whereas, others contend the contrary. Now, for the final settlement of said question,

Be it further enacted by the Governor and Legislative Council of the Territory of Florida. That each and every qualified voter of this Territory be required by the inspectors of elections, at the next election for Delegate, to express his assent or dissent to said acts, by voting *vir voce* at the time of giving his vote for Delegate, either *Faith Bonds* or *No Faith Bonds*, which vote shall be written down by the clerk, opposite the name of the voter, in the poll book, and return made of the number thereof, as aforesaid, to the Governor, who shall proclaim the same, with the other votes, at said election, as aforesaid.

On the adoption of said amendment the yeas and nays were called by Messrs. Brockenbrough and Cooper, and were :

Yeas—Messrs. Cooper, English and Pelot—3.

Nays—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean and Walker—7.

On the passage of said bill, the yeas and nays were called by Messrs. Pelot and Cooper, and were :

Yeas—Mr. President, Messrs. Brockenbrough, English, Edwards, Livingston, McLean and Walker—7.

Nays—Messrs. Cooper, Dupont and Pelot—3.

So said bill passed—ordered that the title be as above.

On motion for an adjournment, the yeas and nays were called by Messrs. Dupont and Brockenbrough, and were :

Yeas—Messrs. Cooper and Pelot—2.

Nays—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean and Walker—7.

So said motion was lost.

A bill to be entitled, an act to incorporate the Iola and St. Joseph Canal and Steamboat Company, was again read and passed—ordered that the title be as above.

An act giving the right of lien to shipwrights, material men, &c. in this Territory, was again read and passed—ordered that the title be as above.

A bill to be entitled, an act for the relief of George Fisher and William Wyatt, and Giles Stewart, his securities, was read a first and second time and referred to the Committee on the Judiciary.

An act to repeal the fourth section of an act entitled an act to amend an act passed January 31, 1838, entitled, an act to incorporate the city of Apalachicola, approved March 2d, 1839, was read a third time and passed—ordered that the title be as above.

The Senate received from his Excellency the Governor the following message :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 1, 1841. }

To the Legislative Council of Florida :

In respectfully inform you, that I have approved the following acts of the Legislative Council :

I. An act to repeal an act entitled an act concerning Jurors in the Southern District, and for other purposes.

II. A preamble and resolution relative to the late James W. Exum, late Marshall of West Florida.

ROBERT RAYMOND REID.

The Senate went into secret session on Executive nominations—on motion the door was opened.

The Senate then adjourned until to-morrow.

TUESDAY, March 2, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Pelot requested that the following be spread upon the Journals:

Messrs. Cooper and Pelot give the following reasons for voting against a bill requiring "that the sense of the people should again be taken on the propriety of going into a State Government."

They are opposed to a State Government, under existing circumstances, are in favor of the passage of such a bill, provided time enough was given, so that intelligence could reach the most remote portions of Florida, and thereby prepare every man to vote understandingly on the question. The bill now before us, proposes the first Monday in May the day on which the next Delegate is elected. We deem this time too short to investigate and vote properly on so important a matter, and beg the time should be postponed until the first Monday in October, at our representative election. That request was refused us. We do not fear the result, provided this matter is allowed to come fairly before the people. But when when we consider the short period of time between this the (3d March) and the first Monday in May, and the very obnoxious clause in the second section, "That should the vote for State prevail, it shall be considered as a renewed application on our part to go into State Government," we deem it our duty to record our votes in the negative, on the passage of the bill, so that in the event of the vote being for state, East Florida can consistently maintain her position, and say, divide us, and again send her petition to the Federal Government for division.

Mr. Dupont offered the petition of R. K. Call, late Governor of Florida. Which was read and laid on the table.

The same from the Committee on the State of the Territory returned to the Senate a bill to be entitled, an act supplementary to the act approved on the eighth day of February, 1838, entitled, an act to incorporate the Tropical Plant Company of Florida, and beg to be discharged from the further consideration of the same.

Said bill was ordered for to-day.

The same from the Committee on the Judiciary, reported an act concerning Roads, Highways and Ferries, with amendments. Which was ordered for to-day.

Mr. Walker from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary in reference to a resolution of the House for the relief of one John Wooten, report :

That entertaining the opinion that the subject of said resolution conflicts with the power of pardon vested in the Governor, advise the rejection of the same.

GEO. WALKER, Chairman.

Said resolution was ordered for to-day.

Mr. Edwards from the committee on enrollments, reported as correctly enrolled the following :

A resolution for the relief of Gen. Thos. Brown.

An act in relation to public elections.

A preamble and resolution requesting an appropriation of Congress for the re-construction of the bridges over the Oclocknee and Little Rivers.

Resolutions requesting the re-appropriation of certain unexpended balances, &c.

A preamble and resolutions in relation to the Bank of Jacksonville.

Resolution appointing the Hon. Wm. Marvin to revise the Laws of Florida.

An act to amend the 2d section of an act entitled an act to establish two terms of the Superior Court in Columbia county.

A preamble and resolution in relation to the fund for the education of poor children.

An act to incorporate the Mechanics Beneficial Society of the city of Tallahassee.

Mr. Brockenbrough from the Committee on the Judiciary reported an act to provide compensation to persons saving impaired cotton, with the title amended, so as to read "wrecked and damaged cotton."

Which was ordered for to-day.

Mr. Pelot from a Joint Select Committee reported a bill making certain appropriations.

And also the following :

The committee beg leave to report, that a resolution may be passed at the present session in reference to the expenditures of the Legislature for stationary, &c. : they believe that great imposition may be practised upon the Government, from the present loose way of doing business and suggest that in future a bill may be taken for every article purchased, either by a member or an officer, and make it obligatory upon the merchant, so as to ensure the passage of his account to charge each member with the articles furnished him separately. These bills can be furnished the Committee on Compensation, and will enable them to do justice to the claimants and also to the Government.

Your committee beg leave that this or some other plan should

be adopted, such as will meet the views of the Legislature and carry their object.

Said bill was read and laid on the table, till called for.

The Senate received from His Excellency the Governor the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 2, 1841. }

To the Legislative Council of Florida.

I venture to express the hope that at the present session of the Council a proper provision will be made for the payment of the Private Secretary of the Governor for the present year.

It is impossible that the business of the department can be properly transacted without the assistance of such an officer.

ROBERT RAYMOND REID.

The Senate went into committee of the whole, Mr. Pelot in the chair, on an act to alter the rate of damages upon protested bills of exchange; after some time spent in its consideration, the committee rose and reported said act as amended.

On the indefinite postponement of said bill, the yeas and nays were called by the President and Mr. Pelot, and were :

Yeas—Mr. President, Messrs. Brockenbrough, McLean and Walker—4.

Nays—Messrs. Cooper, Dupont, Edwards, Livingston and Pelot—5.

The Senate then took a recess until half past 3 o'clock.

HALF PAST 3 O'CLOCK, March 2, 1841.

The Senate met pursuant to adjournment.

An engrossed bill entitled, an act for the relief of Jabez B. Bull and Patrick Kerr, was again read and passed—ordered that the title be as above.

A resolution for the relief of R. K. Call, was again read read, for which, Mr. Dupont offered the following substitute :

Be it Resolved, That (in accordance with the petition of R. K. Call, late Governor of Florida,) a joint committee consisting of two members of the Senate and two of the House of Representatives, be appointed to examine into, and report upon his accounts and vouchers, for any disbursement which may have been made for the defence of the frontier.

Which was accepted, and adopted.

Messrs. Livingston and Pelot were appointed said committee.

A bill to be entitled, an act supplementary to the act approved on the 8th day of February, 1838, entitled, an act to incorporate the Tropical Plant Company of Florida, was again read and laid on the table.

The Senate went into committee of the whole, Mr. Cooper in the chair, on an act concerning Roads, Highways, and Ferries, After some time spent in its consideration, the committee rose. and reported the same as amended. Said bill was ordered to be engrossed for to-morrow.

A resolution for the relief of John Wooten, was again read and lost.

An act to provide compensation to persons saving wrecks and damaged cotton, was again read, ordered that the title be as amended.

Mr. Brockenbrough from the committee on Banks, reported an act amendatory to the several acts incorporating the Central Bank of Florida, without amendment. Said bill was ordered for to-morrow.

An act to alter the rate of damages upon protested bills of exchange, was again read. On motion to strike out the proviso of said bill, the yeas and nays were called by Messrs. Brockenbrough and Duval, and were :

Yeas—Mr. President, Messrs. Brockenbrough and Walker, 3.

Nays—Messrs. Cooper, Dupont, Edwards, Livingston, McLean and Pelot—6.

On the passage of said bill, the yeas and nays were called by Messrs. Duval and Pelot, and were :

Yeas—Messrs. Cooper, Dupont, Edwards, Livingston, McLean and Pelot—6.

Nays—Mr. President, Messrs. Brockenbrough and Walker—3.

So said bill passed ; ordered that title be as above.

A bill to be entitled an act to encourage the destroying of wolves in the Territory of Florida. was again read and passed.

The Senate received from the House of Representatives an act for the relief of L. F. Mosher, which was read.

Also as passed an act for the relief of John D. Parish, which was read a first and second time and ordered for to-morrow.

Also their adoption of a resolution, adopted by the Senate, referring the petition of R. K. Call to a joint select committee ; Messrs. Stephens and Bannerman were appointed said committee on the part of the House.

Also their adoption of a memorial requesting of Congress an appropriation for fortification of certain posts on the coast of Florida.

On motion of Mr. Livingston, the correspondence in relation to troops in East Florida under Col. Robert Brown, and Maj. Isaac Garrison was taken from the table, when Mr. Brockenbrough offered sundry resolutions in reference to and explanatory of certain resolutions before passed by the Legislative Council for the payment of said troops which was read.

On their adoption the yeas and nays were called by Messrs. Brockenbrough and Cooper, and were :

Yeas—Mr. President, Messrs. Brockenbrough, Cooper, Dupont, Edwards, Livingston, McLean, Pelot and Walker—9.

So said resolutions were unanimously adopted.

The Senate then adjourned until to-morrow.

WEDNESDAY, March 3, 1841.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

Mr. Edwards offered a resolution for the safe keeping of the papers and furniture of the Senate. Which was read and ordered for to-day.

Mr. Dupont offered sundry resolutions requiring the Auditor to report to the Legislative Council, at the first day of each session thereof, all officers charged with the collection of any part of the Territorial revenue, who may have failed to make their report in conformity with the existing laws, &c. Which was read and ordered for to-day.

Mr. Edwards from the committee on the Militia made the following report :

The committee on Militia to whom was referred the report made by the chairman of the Committee on Claims, from the lower House, on the petition of Capt. S. J. Perry, have had the same under consideration, and ask leave to report :

That they do not concur in the report made by that committee, as no specific sum is named in the report, and it appearing that the petitioner has not made application to the General Government for an adjustment of his claim.

And further are of opinion, that the report should have been referred to the Committee on Claims. Therefore ask leave to be discharged from further consideration of the matter referred.

J. D. EDWARDS, Chairman.

Which was read and ordered for to-day.

Mr. Brockenbrough from the minority of the Committee on Banks made the following report :

MINORITY REPORT.

The Chairman of the Committee on Banks to which was referred an act entitled an act amendatory to the several acts incorporating the Central Bank of Florida, which was reported to the Senate yesterday without amendment by himself on behalf of the majority of the committee, report :

That he has received the annexed letters from Mr. Hixon of St. Joseph, and Mr. Gautier, the Representative from Calhoun, and Speaker of the House of Representatives.

The persons mentioned in these letters are known in the Territory, and of a highly respectable character, and the charter is generally less loose and objectionable in its character than those instruments generally are. And the Bank always sustained a high character under the old charter, by judicious management. But the whole Union has suffered so much from excess of Banking, and Florida, especially West Florida, has been so peculiarly cursed with bad Banks, and as at this time the Banks generally have been unable to continue specie payments in the wealthy cities and States south of New York, it was feared by the chairman of the committee, contrary to the opinion of the majority, that an attempt to establish a specie paying Bank at St. Joseph, would end in one of those unhappy failures, which have hitherto followed such enterprises in West Florida. But the character of the gentlemen named precludes the idea, that a fraudulent bubble is intended. And their fortunes, which are rendered liable by the charter, will be some security to the community against any errors in judgement which they may commit.

Another objection entertained to this act was that a former Legislative Council had required this charter among others to be forfeited by judicial proceedings which are yet pending, for non user. And it was thought, objectionable to revive by any act of ours, any one of these institutions which had once been put to sleep.

If this charter is now liable to such forfeiture under those judicial proceedings, an amendment is proposed to prevent this act from being considered a resuscitation and revival of the charter, which will remove this objection.

If this charter is not liable to such forfeiture, it is the property of the Union Bank, and liable to be sold at any time and to any persons, without the amendments proposed by the bill before the Senate, which improve the charter by adding safeguards to the community. And if not liable now to such forfeiture, it may be

reconstituted nominally at Tallahassee with an agency to transact business at St. Joseph or elsewhere, without our consent and without our amendments.

Preferring that it should be sold to respectable persons, and with judicious amendments, if it still has a legal existence, to the possibility of its being put in force by persons less worthy of confidence and without the amendment. The objections to the bill will be removed if the following amendment is adopted.

WM. H. BROCKENBROUGH, *Chairman.*

SEC. 6. *Be it further enacted,* That this act shall not be construed to suspend or diminish the force or operation of any act of the Council hitherto passed requiring the District Attornies to proceed by judicial proceedings to forfeit certain charters for non-user, or to relieve from any such forfeiture or the liability to such forfeiture which may have been incurred, or to annul or suspend any legal proceedings which have been commenced or may be commenced under the act approved March the fourth, 1839, or any other act to declare any charter forfeited, or in any manner to revive or resuscitate any charter so forfeited or liable to forfeiture, but the District Attornies are required to prosecute such proceedings with all possible diligence, and judgment shall be obtained on the same, in the same manner and have the same effect as if this act had not been passed.

TALLAHASSEE, March 1st, 1841.

WM. H. BROCKENBROUGH, Esq.,

Chairman of Committee of Banks.

Dear Sir: At your request, I address you in relation to the bill now before the Senate, having for its object the removal of the Central Bank to St. Joseph.

As you are aware, by a recent arrangement, a portion of the old stockholders of the St. Joseph Company, have been induced to abandon the enterprise, for a consideration, which was intended to be exclusively appropriated to themselves, leaving a heavy and a much larger interest ruined and abandoned by their desertion.

Believing that St. Joseph yet possesses all the commercial advantages and facilities which its first projectors maintained it possessed, there are those who are willing to take up the enterprise at the point at which it has been abandoned.

The location of the Central Bank at St. Joseph will, it is confidently expected, induce the introduction of new capital into the place, which its friends think is all that is required to ensure its success.

A negotiation has been concluded with the Union Bank for the purchase of the Central Bank charter, and the present application for its removal to St. Joseph, is made at the immediate application of the Messrs. Chaires, Judge R. C. Allen, Mr. W. P. Craig, Mr. H. W. Cater, Col. H. W. Braden, and myself.

St. Joseph contains a population of nearly one thousand souls. Investments have been made to perhaps the amount of one million of dol-

fars. The citizens have been ruined by the arrangement alluded to, and their property rendered valueless. The new enterprise will restore to a great extent the value of their property, and at the same time save a corresponding amount of the public wealth of the Territory from almost total annihilation.

I am, Sir,

Yours respectfully,

FLEMING HIXON.

TALLAHASSEE, March 2d, 1841.

To WM. H. BROCKENBROUGH, Esq.,

Chairman of the Senate's Committee

on Banks and Finance.

Sir: As a representative from the County of Calhoun, I beg leave to explain the objects of the law passed in the lower house, relative to the removal and location west, of the charter of the Central Bank.

You are aware of the condition of the currency, and of the want of proper trading facilities of the people in our section of the Territory. It is important that we have a bank whose bills should be on a par with those of the Columbus Banks; and it is proposed by those to be interested in the Central Bank, to make it a specie paying institution. The stock is to be taken by individuals of means and character in Middle and West Florida, and by persons in Alabama and Georgia. The Chairmen, the Gambles, Col. Braden, Judge Allen, Craig, Wyatt, and a number of others with whom you are acquainted, and whose character in the community is a guarantee that nothing unfair is intended, are interested in the operation. Assurances have been received that a fair portion of the stock will be taken by capitalists in Georgia, and the measure, if carried out, will be productive of much relief and benefit to a large number of your constituents. Trusting that your duties as a Senator may harmonize with the local interests likely to be promoted by the proposed arrangement, I respectfully ask you to give the bill a fair support.

Yours, &c.,

PETER W. GAUTIER, Jr.,

Member for Calhoun.

Which was read and ordered for to-day.

An act concerning roads, highways and ferries, was again read and passed—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Cooper in the chair, on an act amendatory to the several acts incorporating the Central Bank of Florida. After some time spent in its consideration, the committee rose, and reported the bill without amendment.

To which Mr. Brockenbrough offered as amendment the amendment proposed by him in his report on the subject this morning. On which the yeas and nays were called by Messrs. Brockenbrough and Duval, and were:

Yeas—Messrs. Brockenbrough, Edwards, McLean, Pelot and Walker—5.

Nays—Mr. President, Messrs. Cooper, Dupont and Livingston—4.

So said amendment was adopted.

On motion to lay said bill on the table, the yeas and nays were called by Messrs. Brockenbrough and Livingston, and were:

Yeas—Mr. President, Messrs. Cooper, Dupont, Edwards, Livingston and Walker—6.

Nays—Messrs. Brockenbrough, McLean and Pelot—3.

An act for the relief of Levi F. Mosher, was read a second time, and referred to a select committee consisting of Messrs. Cooper, Edwards and McLean.

An act for the relief of John D. Parish & Co. was referred to the same committee.

The resolution offered by Mr. Dupont this morning, making certain requisitions of the Auditor, relative to defaulters was again read and adopted.

The resolution for the safe keeping of the papers and furnishings of the Senate, was laid on the table, until called for.

A resolution for the relief of Capt. S. J. Perry, was again read and laid on the table.

An act supplementary to the act approved on the 8th day of February, 1838, entitled, an act to incorporate the Tropical Plant Company of Florida, was taken from the table—on its passage, the yeas and nays were called by Messrs. Dupont and Walker, and were:

Yeas—Messrs. Brockenbrough, Cooper, Livingston, Pelot and Walker—5.

Nays—Mr. President, Messrs. Dupont and Edwards—3.

So said bill passed—ordered that the title be as above.

The Senate then took a recess until 4 o'clock.

4 o'clock, March 3, 1841.

The Senate met pursuant to adjournment.

Mr. Brockenbrough from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary, to which was referred "An act to alter and amend the several acts in force respecting judicial proceedings, and those respecting appeals and writs of error in civil cases," report:

That the first section renders it impossible for any plaintiff,

however just may be his claim, to obtain judgment by any possibility (except by consent,) until the third term; and renders it possible that he may be retarded still more by vexatious delays in establishing his claim.

The second section gives a right of appeal on giving bond, which shall operate as a supercedea, and prohibits the Court of Appeals from giving more than *five per cent* damages for appeals, however frivolous.

The third section requires that the summons shall be issued forty days before the terms of Courts; and served thirty days before Court, and returned by the first day of the term, which will prevent suits at this spring term on paper now due; and on which the further delays mentioned in the act may take place when suit shall be brought.

The fourth section extends the provisions of the act to all suits now pending in the Courts.

The fifth section gives a lien during the pendency of the Appeal.

The sixth section authorises the *grand jury* of the Counties to call upon the Judge to hold an additional regular term; a provision which will be inoperative, and excepts *East and South Florida* from the operation of the bill.

We consider the provisions of this act as inexpedient and unjust. The law now prevents a plaintiff from having a judgment earlier than the second term, and allows an arbitrary appeal, and the damages on frivolous appeals cannot exceed *ten per cent*, which is little enough for a defendant to pay for the advantages of delay, and to prevent a sacrifice of his property. The plaintiff, to whom a just debt is due, after all the injury of the delay, has to pay his lawyer 5 per cent, and a fee in the Court of Appeals. We consider our laws as they now stand exceedingly favorable to debtors, and therefore report that any legislation upon the subject is inexpedient.

The manifest purpose of the act is to prevent the collection of debts, and not to reform our judicial proceedings, of which no complaint has been made, and which cannot be charged with doing injustice by improper haste, and insufficient investigation. And in preventing the collection of debts, this act also prevents the obtaining of judgments, which excessively aggravates all the evils and injustice of a stay law.

WM. H. BROCKENBROUGH, Chairman.
GEO. WALKER.

Which was read.

The same from the same Committee made the following report:

The Committee on the Judiciary, to which was referred the

act for the relief of George Fisher, and William Wyatt, and Giles Stuart, his securities, report :

That legislation upon this subject should be exercised with caution, or it will have a tendency to defeat the force of the penal laws of the Territory. It would be an easy matter for parties to defeat prosecutions by postponing trials where witnesses are numerous or come from a distance, when the Territory is ready for trial, and by offering ready for trial when the Territory has not its witnesses present. And if parties can be too easily relieved from a forfeiture of recognizance, they never would come to trial if the testimony was against them. The courts are liberal upon this subject. They will not forfeit a recognizance if the party sends a reasonable excuse at the time when he should appear for trial, or will present such excuse at the return of the *scire facias*. And even the judgment upon the *scire facias* will be set aside if such excuse be presented within a reasonable time. In the case before us, it appears that the cause was continued on the 12th of April, 1837, upon the affidavit of the defendant.

At December term, 1837, it was again continued in the same manner. At May term, 1838, the defendant did not appear, and his recognizance was forfeited. *Scire facias* issued 15th April, 1838, returnable to May term, 1839. At May term, 1839, final judgment was given on the recognizance.

The defendant thus had three terms to make his excuse, before final judgment was rendered; and would doubtless have been relieved from that judgment even at the term afterwards, if such excuse had been made. But such excuse appears never to have been offered.

And no such excuse is now offered. The evidence does not sustain the petition. A highly respectable physician states that the petitioner was under his care from the 15th to the 17th of November, 1838, and during that time he was too unwell to leave his room, and that he, (the physician,) had been absent for some time previous to the 11th of November; during which Col. Fisher had been unwell. But there is no certificate or evidence to show that he was unwell at May term, 1838, when he should have appeared. He presents the certificate of J. D. Westcott, Jr., who was his counsel, he says, and he found that he had given the bill of indictment, and that Col. Fisher gave him several depositions and certificates, except in his absence, but that he, (said Westcott,) is unable to state where they now are. But the certificate does not state what was done with them by said Westcott, or how the same were lost, or in whose custody they last were, or why they were not presented to the Court, or why new certificates and depositions were not presented to the Senate, or copies of the same, or at least a certificate of their con-

tents, or some account of the purport, or by whom the same were made or given.

The said certificate of Westcott does not state that said depositions or certificates were satisfactory; but only that said Westcott "considers Col. Fisher's claim a just one, if he submits to trial, as he is now under bonds to do. If convicted; and this recognizance is collected, it would be unjust."

But the witnesses may never again appear, and as there is no excuse offered for not appearing at the former day for trial, the committee think it would be very mischievous legislation to grant the petitioner's prayer. They have dwelt longer upon the subject than its importance would seem to demand, because the same subject has met with a similar report in the other house, and they wish to put the subject at rest.

WM. H. BROCKENBROUGH,
Chairman Com. on Judiciary.

Which was read.

Mr. Livingston from a joint select committee made the following report :

(To be inserted no. 4.)

Which was read, and ordered for to-morrow.

The Senate received from the House their adoption of certain resolutions, before passed by the Senate, suspending the operation of the revenue laws for the present year.

On motion of Mr. Livingston, a bill to be entitled an act to repeal the 34th section, and the last clause of the 9th section of the Charter of the Union Bank of Florida, was taken from the table.

On the indefinite postponement of said bill the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were :

Yeas—Messrs. Brockenbrough, Cooper, Pelot and Walker—4.

Nays—Mr. President, Dupont, Edwards, Livingston and McLean—5.

On motion the Senate went into committee of the whole, on said bill, Mr. Pelot in the chair; after some time spent in its consideration, the committee rose and reported said bill as amended.

On the receiving of said report, the yeas and nays were called by Messrs. Brockenbrough and Walker, and were :

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston and McLean—5.

Nays—Messrs. Brockenbrough, Cooper, Pelot and Walker—4.

On motion to adjourn, the yeas and nays were called by Messrs. Dupont and Livingston, and were :

Yeas—Messrs. Brockenbrough, Cooper, Pelot and Walker—4.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston and McLean—5.

On the motion to concur in the report of the committee of the whole, the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were:

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston, and McLean—5.

Nays—Messrs. Brockenbrough, Cooper, Pelot and Walker—4.

Mr. Brockenbrough offered the following amendment to said bill, viz:

Section — *Be it further enacted*, That said bonds shall not be sold for more than thirty three and a third per cent discount, or for any other thing than gold and silver, to be paid at the time of delivering of the bonds, or the same shall be void.

On which he, seconded by Mr. Pelot, called for the yeas and nays, and were:

Yeas—Messrs. Brockenbrough, Cooper, Pelot and Walker—4.

Nays—Mr. President; Messrs. Dupont, Edwards, Livingston and McLean—5.

The same offered the following amendment:

Be it further enacted, That said bonds shall not be pledged as collateral security for the loan of money, and that if the same shall be so pledged, the same shall become void.

Which he, seconded by Mr. Pelot, called for the yeas and nays, and were:

Yeas—Messrs. Brockenbrough, Cooper, Pelot and Walker—4

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston and McLean—5.

On the question of the decision of the chair, that a bill may be considered engrossed, the yeas and nays were called by Messrs. Brockenbrough and Dupont, and were:

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston, McLean and Walker—6.

Nays—Messrs. Brockenbrough, Cooper and Pelot—3.

On the passage of said bill, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston and McLean—5.

Nays—Messrs. Brockenbrough, Cooper, Pelot and Walker—4

On motion for an adjournment, the yeas and nays were called by Messrs. Dupont and Duval, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Livingston and Walker—4.

Nays—Messrs. Cooper, Dupont, Edwards, McLean and Pelot—5.

An act to alter and amend the several acts in force respecting judicial proceedings and those respecting appeals and writs of error in civil cases, was again read by sections. On the question of striking out the first section, the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were:

Yeas—Mr. President, Messrs. Brockenbrough and Dupont—3.

Nays—Messrs. Cooper, Edwards, Livingston, McLean and Walker—6.

On the passage of said bill, the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were:

Yeas—Messrs. Cooper, Edwards, Livingston, McLean and Pelot—5.

Nays—Mr. President, Messrs. Brockenbrough, Dupont and Walker—4.

So said bill passed without amendment.

On motion of Mr. Brockenbrough to amend the title of a bill so as to read an act to prevent the collection of debts or the liquidation of the same, by judgment in Middle and West Florida. The yeas and nays were called by him and Mr. Duval, and were:

Yeas—Mr. President, Messrs. Brockenbrough and Walker—3.

Nays—Messrs. Cooper, Dupont, Edwards, Livingston, McLean and Pelot—6.

An act for the relief of George Fisher and William Wyatt, and Giles Stewart his securities, was again read and indefinitely postponed.

The Senate then adjourned until to-morrow.

THURSDAY, March 4, 1841.

The Senate met pursuant to adjournment, and yesterday's proceedings were read.

The Senate received from the House of Representatives the following message:

HOUSE OF REPRESENTATIVES, March 4, 1841.

Be it resolved by the Senate and House of Representatives, That a joint committee of the two Houses be appointed to contract for the printing of the laws of the session, and that they be instructed to report immediately.

Adopted by the House.

Attest.

JAMES H. GIBSON, Clerk.

Messrs. Stephens and Branch on the part of the House, which was read and adopted, and Messrs. Walker and Livingston, were appointed on the part of the Senate.

On motion of Mr. Livingston, an act amendatory to the several acts incorporating the Central Bank of Florida, was taken from the table and ordered for to day.

The Senate received from his Excellency the Governor the following message :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841. }

To the Legislative Council of Florida.

I return the act relative to Public Elections, with the following objections :

The 8th section declares 'that no officer, soldier, seaman or marine in the regular army or navy of the United States, or in the revenue cutter service shall be entitled to vote at any public election in this Territory.' This exclusion is too broad and includes those, who, if they did not belong to the army or navy, would be residents of the Territory, as well as those who are transiently in the country, and should be of course excluded. To stretch the provision to this extent, appears to me to be unjust, and contrary to the genius and spirit of our institutions. The soldiers and seaman should not be disfranchised; they should rather be the more sedulously protected in all their rights, while actively engaged in the protection of their country. Instances have occurred in the county of St. John's, and doubtless elsewhere, where persons who had exercised the right of suffrage, if they had not belonged to the army or navy, were deprived of this valuable privilege of American citizenship. I recommend a modification of this section according to the views thus expressed.

The 18th section is objected to, because it is virtually destructive of the election by ballot.

If these alterations are made in the bill, it will be approved, otherwise not.

ROBERT RAYMOND REID.

Which was read.

On motion to reconsider said bill, the yeas and nays were called by Messrs. Dupont, and were :

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean, Pelot and Walker—8.

Nays—Mr. Cooper.

On the question of passing said bill against the veto of the Governor, the yeas and nays were again called by Messrs. Pelot and Edwards, and were :

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean, Pelot and Walker—8.

Nays—Mr. Cooper.

So said bill passed by the requisite majority.

Mr. Edwards from the committee on enrollments, reported as correctly enrolled, certain resolutions of the Legislative Council for the fortification of certain parts of the Territory of Florida, &c.

Also certain resolutions for the suspension of the revenue laws of this Territory.

Mr. Cooper from a select committee made the following report :

The select committee to which was referred the petition of Levi H. Mosher and John D. Parish & Co. praying for the settlement of their accounts, report :

That they have examined the bill so far as their limited time would allow, and believe them to be just. Would therefore recommend the bills passed by the House of Representatives for their payment.

J. G. COOPER, Chairman.

Which was read and ordered for to-day.

On motion to re-consider the amendment made on yesterday to a bill entitled, an act amendatory to the several acts incorporating the Central Bank of Florida, the yeas and nays were called by Messrs. Brockenbrough and Duval, and were :

Yeas—Mr. President, Messrs. Cooper, Dupont, Edwards, Livingston and Pelot—6.

Nays—Messrs. Brockenbrough, McLean and Walker—3.

On motion to strike out said amendment, the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were :

Yeas—Mr. President, Messrs. Cooper, Dupont, Edwards Livingston and Pelot—6.

Nays—Messrs. Brockenbrough, McLean and Walker—3.

So the amendment was stricken out, and said bill passed without amendment—ordered that the title be as above.

The resolution for the relief of R. K. Call, late Governor of Florida, was again read, amended, and adopted.

An act for the relief of Levi F. Mosher, was again read, and laid upon the table.

An act for the relief of John D. Parish & Co. was again read and laid upon the table.

The Senate received from his Excellency the Governor the following communications :

**EXECUTIVE DEPARTMENT, }
Tallahassee, March 2, 1841. }**

To the Legislative Council of Florida :

In respectfully inform you, that I have approved the following acts of the Legislature :

I. An act to incorporate the Monticello Rail Road Company.

II. An act to incorporate the city of Port Leon.

III. An act to authorise the Brunswick and Florida Rail Road Company to construct a Rail Road through the Territory of Florida.

IV. An act to amend an act entitled an act to incorporate the city of Apalachicola.

V. A resolution relative to granting the franking privilege to the Governor of Florida.

ROBERT RAYMOND REID.

EXECUTIVE DEPARTMENT, }
Tallahassee, March 3, 1841.

To the Legislative Council of Florida :

I respectfully inform you that I have approved the following acts of the Legislature :

I. An act to incorporate Hamilton Academy in the county of Hamilton.

II. An act to change the name of Abraham Marshal Trotman.

III. An act to repeal the 4th section of an act entitled an act to amend an act passed January 31st, 1828, entitled, an act to incorporate the city of Apalachicola, approved March 2d, 1839.

ROBERT RAYMOND REID.

EXECUTIVE DEPARTMENT, }
Tallahassee, March 3, 1841.

To the Legislative Council of Florida :

I respectfully inform you that I have approved the following acts of the Legislative Council :

I. An act to incorporate the Mechanics Beneficial Society in the city of Tallahassee.

II. An act to amend the 3d section of an act entitled an act to establish two terms of the Superior Court in Columbia county.

III. An act to amend an act to incorporate the city of Pensacola.

IV. A preamble and resolutions relative to Auctioneers.

V. A preamble and resolution relative to erecting a Light House on Cape St. Blas.

VI. A preamble and resolution in relation to bridges across Oclocknee and Little Rivers.

ROBERT RAYMOND REID.

The Senate received from the House of Representatives, as adopted, a resolution in relation to the Auditor of the Territory.

Also as passed, an act for the relief of Jabez B. Bull and Patrick Ker.

Also an act for the relief of the Tallahassee Rail Road Company.

The Senate went into secret session on certain nominations of his Excellency the Governor—on motion the door was opened.

The Senate received from the House, as adopted, sundry resolutions in reference to, and explanatory of certain resolutions for the payment of troops under Col. Robert Brown and Major Isaac Garrison.

The Senate then took a recess until 3 o'clock.

3 o'clock, March 4, 1841.

The Senate met pursuant to adjournment, and the proceedings of this morning were read.

On motion of Mr. Livingston, a resolution for the relief of Samuel J. Perry, was taken from the table, amended and adopted.

Mr. Edwards, from the Committee on enrolments, reported as correctly enrolled, an act for the relief of the Tallahassee Rail Road Company.

Also an act for the relief of Jabez B. Bull and Patrick Ker.

Also a resolution in relation to the Auditor, &c.

The Senate received from the House of Representatives, the following message:

MARCH 4, 1841.

The House reconsidered the bill entitled an act in relation to Public Elections, vetoed by the Governor, and passed it by the requisite majority—ayes 15: nays 8.

By order of the House.

Attest. JAMES H. GIBSON,
Clk. H. of R.

Also their indefinite postponement of an act to repeal the 34th section and the last clause of the 9th section of the charter of the Union Bank of Florida.

Also the following from the Speaker of the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 4th, 1841. }

To the Hon. President and Senate
of the Legislative Council of Florida:

The House of Representatives have this morning reconsidered the resolutions of the Senate, respecting the settlement with and payment of the troops of Col. Brown and Maj. Garrison;

and for the further action of this body, you will please return the resolutions referred to.

Respectfully,

PETER W. GAUTIER, Jr.
Speaker H. of R.

The Hon. President and Senate.

Which was not agreed to.

On motion of Mr. Livingston, an act for the relief of Levi F. Mosher, was taken from the table, again read, and rejected.

On motion of Mr. Livingston, an act for the relief of John D. Parish & Co. was taken from the table, amended and passed. Ordered that the title be as above.

The Senate received from his Excellency the Governor the following messages :

EXECUTIVE DEPARTMENT. }
Tallahassee, March 4, 1841. }

To the Legislative Council of Florida.

I respectfully inform you that I have approved the following acts of the Legislature :

I. An act to provide compensation to persons saving wrecked and damaged cotton.

II. An act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company.

III. An act to encourage the destroying of wolves in the Territory of Florida.

IV. An act to amend the charter of the Tallahassee Rail Road Company.

V. An act giving the right of lien to shipwrights, material men, &c. in this Territory.

VI. An act to incorporate the Iola and St. Joseph Canal and Rail Road Company.

ROBERT RAYMOND REID.

EXECUTIVE DEPARTMENT, }
Tallahassee, 4th March, 1841. }

To the Legislative Council of Florida:

I promised at the commencement of the session, to present my accounts to you. Ill health and the absence of some documents mislaid, in the removal of the papers of the Executive Office, have hitherto prevented a compliance with my own wishes and with your expectations, as manifested in several resolutions passed upon the subject.

I now respectfully inform you that the following is a correct statement of the moneys received and disbursed by me, for the public service during the past year.

RECEIPTS

Balance in Union Bank 1st January, 1840	\$ 7,277 78
Borrowed of Life and Trust Bank	50,000 00
	<hr/>
	\$57,277 78

EXPENDITURES

Interest on the debt of \$100,000, for public defence	\$3,228 00
Paid Spaniards from Cuba,	1,208 00
Postage for the most part on letters connected with the military service	120 00
Betton & Fisher by order of Council,	559 75
Expenses of com'rs. and escort to Alachua,	400 00
Edward Lawrence, [provender for troops]	926 32
Berry and Dowling for public service,	135 00
Samuel Reid, public service,	7 98
Quartermaster General, public service,	41,199 90
Paymaster General, who acted in the absence of the Quartermaster General, occasionally, in the capa- city of that officer,	8,679 30
	<hr/>
	\$56,464 25
Balance in favor of the Territory,	\$813 83

The funds placed in the hands of the public officers, have been exhausted, and the balance now stated against myself will be much diminished, if not discharged, as soon as the vouchers to which I have alluded can be reclaimed.

I have the assurance of the General Government, that it will pay off and discharge the principal and interest of the public debt incurred for the defence of the Territory.

R. R. REID.

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841. }

To the Legislative Council of Florida :

At this late period of the session, I deem it my duty to reply by a message to the Council, to a letter of the Hon. J. D. Edwards communicating a resolution passed some time since, respecting the military service.

I inform you, therefore, that there are now no troops and officers in the service of the Territory; all that were so, have been transferred to the service of the United States.

During the past year about six hundred men have been in the service of the Territory on this side the Suwannee, and in East Florida twelve companies were authorised at different times to be raised for the defence of that District.

The General Government has made itself responsible for the money expended in levying and provisioning these troops.

I know of no orders permitting troops in the service to remain at home; none such have emanated from this Department: on the contrary, the volunteers were always told they were to go whenever the service required, and the voice of their country called.

ROBERT RAYMOND REID.

Which were read.

The Senate went into secret session on certain nominations of his Excellency the Governor. On motion the doors were opened.

The Senate took a recess until 7 o'clock.

7 O'CLOCK, MARCH 4, 1841.

The Senate met pursuant to adjournment, and the proceedings of this afternoon were read.

Mr. Walker from the committee on claims, returned to the Senate resolutions for the payment of troops therein named, and asked to be discharged from the further consideration of the same;

Which was concurred in.

Mr. Cooper offered certain resolutions in relation to a division of the Territory, which were read.

On their adoption, the yeas and nays were called by Messrs. Cooper and Livingston, and were,

Yeas—Mr. President, Messrs. Cooper, Edwards and Pelot, 4.

Nays—Messrs. Brockenbrough, Dupont, Livingston, McLean and Walker, 5.

So said resolutions were lost.

The Senate received from the House of Representatives, as passed, a bill to be entitled an act to provide for the compensation of the officers of the Legislative Council, and for other purposes.

On which the Senate went into committee of the whole, Mr. Walker in the chair. After some time spent in its consideration, the committee rose, and reported said bill with amendments. Said bill was passed. Ordered that the title be as above.

A resolution for the payment of the private secretary, &c., was read and adopted.

A resolution for the safe-keeping of the papers and furniture of the two houses, was read, amended and adopted.

Mr. Dupont offered certain resolutions in relation to Territorial expenses, &c., which were read and adopted.

The Senate received from the House as indefinite postponement of an act to alter the rate of damages upon protested bills of exchange.

Also as adopted, a resolution for the relief of Michael Ledwith, which was read and laid on the table.

Also as passed, an act to authorize executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned.

Also a resolution for the relief of Wm. P. Duval, which was read.

Also the following message :

MARCH 4, 1841.

The House struck out all after the enacting of a bill heretofore passed by the Senate, entitled an act to ascertain the wishes of the people of Florida upon the propriety of going into a State Government.

Attest.

JAMES H. GIBSON,
Clk. H. of R.

Also as adopted a resolution asking of Congress an appropriation for building Jails and a Penitentiary ;

Which was read and adopted.

The Senate received from his Excellency the Governor the following message :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841. }

To the Legislative Council of Florida :

I respectfully inform you that I have approved the following acts of the Legislature :

I. An act amendatory to the several acts incorporating the Central Bank of Florida.

II. An act for the relief of Jabez B. Bull and Patrick Kerr.

III. Resolutions suspending the revenue laws for 1841.

IV. An act for the relief of the Tallahassee Rail Road Company.

V. An act to incorporate the Cherry Lake Academy in the county of Madison.

VI. An act for the relief of John D. Parish & Co.

VII. Resolution relative to Captain S. J. Perry.

VIII. An act to prevent the stealing of neat cattle.

IX. " supplementary to the act approved on the 8th day of February, 1838, entitled an act to incorporate the tropical plant Company of Florida.

ROBERT RAYMOND REID.

Also the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841. }

To the Legislative Council of Florida.

I have received the enclosed communication from several members of the House of Representatives.

It is my duty to say, after consulting the laws upon the subject of organizing the Legislative Council of Florida, which should be taken and considered *in pari materia*, that neither House has the right to legislate *generally* without the presence of two thirds of its members—that number and nothing less constituting a *quorum*. Precedent also sanctions this opinion.

Two thirds of each House and of both Houses, are also necessary to pass a law after it has received the veto of the Governor, and a quorum made up of two thirds of both Houses, there not being a quorum of two thirds in each House, is, according to my understanding, contrary to law, precedent, and all parliamentary usage.

ROBERT RAYMOND REID.

We, the undersigned, members of the representative branch of the Legislative Council of Florida, *Protest* against certain acts of that body, and respectfully represent to his Excellency the Governor :

That Resolutions were passed yesterday upon the subject of the Auditor's Reports, and the collection of arrearages of taxes, there being only nineteen members present ; and against which a protest has been formally entered on the Journals.

That the House have adopted for their rule of action, a Resolution which, in effect, constitutes a simple majority of the members present a quorum, if the rest of the members have been excused from attendance.

That on the passage of some resolution, respecting the troops under Brown and Garrison—(upon refusal to have a call of the House)—the number of seventeen only of the members were present.

That we deem the House of Representatives to have entirely mistaken their powers, and that their acts to such extent are entirely without precedent, are against the hitherto received sense of the organic law, and are void.

J. L. THIGPIN, from Nassau.

BUCKINGHAM SMITH.

J. D. FERNANDEZ, Rep. D. Co.

GABRIEL PRIEST, Rep. D. Co.

JOHN M. FONTANE, of St. Johns.

EDWARD BIRD, of Alachua.

JOSEPH BRANCH.

The Senate received from the House the following :

The House adopted the following resolution :

Resolved, That a committee be appointed to confer with a committee of the Senate upon the Compensation Bill.

Messrs. Stephens, Branch and Smith, committee on the part of the House.

Which was agreed to, and Messrs. Pelot, Livingston, and Edwards appointed said committee on the part of the Senate.

Also their adoption of certain resolutions in relation to Territorial expenses, &c.

Mr. Pelot, from the committee on conference, reported the compensation bill with amendments.

Mr. Brockenbrough offered sundry resolutions in relation to what constitutes a quorum of both Houses of the Legislative Council.

The Senate received from his Excellency the following message :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841. }

To the Honorable the

Legislative Council of Florida :

I have considered as maturely as the time allowed me permits, the bill entitled, "An act to alter and amend the several acts in force respecting appeals and writs of error in civil cases," and have come to the conclusion that I cannot approve it.

If the law referred to contracts hereafter to be made, my sanction might perhaps be commanded for it—but it relates to contracts already formed, to suits already instituted. It is obvious that the parties to a contract contemplate when they enter into it, not only *the time* at which its performance is stipulated, but also *that* at which it may be enforced according to law. The latter makes a part of the contract as well as the former, and cannot, without injustice, be restricted or enlarged. If it can, then, a Legislature friendly to the rights of creditors might order, oppressively, a demand to be enforced the very moment it becomes due, or if unfriendly, extend its collection through a long series of years.

Such power no Legislative body should possess; it is one of the most arbitrary character, riding over the Constitution and interfering with the rights of individuals.

As to the policy of such laws, I will not now speak. I have seen the bill, for the first time, late this evening, and am not prepared to present other views than those contained in the message at the opening of the session.

There is a clause in the 6th section, which I cannot pass over, without remark. It is that limiting the operation of the act to Middle and West Florida. Its shadow is not to be permitted

to spread itself over the East and the South. Such partial legislation seems to me improper; the more highly so, when we consider its effect, which is to allow the creditor in the Middle or Western District to collect his dues *speedily* from a debtor in the Eastern or Western District, depriving the latter of the power to realize what may be due to him, in the Middle or West, until after encountering the laws long delay, his ruin may have been accomplished. Equality is equity, and surely neither is to be found in such a condition of things. With these objections, and others which there is not time for enumerating, I am constrained to disapprove the bill.

ROBERT RAYMOND REID.

The Senate received from the House the compensation bill amended. Which was read and passed as amended—ordered that the title be as above.

The Senate received from the House of Representatives, as adopted, certain resolutions, before passed by the Senate, in relation to what constitutes a quorum of both Houses.

The Senate received from his Excellency the Governor the following:

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841. }

To the Honorable

The Legislative Council of Florida:

I approve the resolution relative to the compensation of the private secretary of the Governor, and for copying the laws and making an index.

ROBERT RAYMOND REID.

The Senate received from the House their rejection of the amendment made by the Senate to a resolution for the safe keeping of the furniture of the House of Representatives, &c. On motion the Senate adhered to its amendments.

Mr. Brockenbrough offered the following resolution:

Resolved, That the Secretary of the Senate transmit to the Governor, the resolutions heretofore passed concerning the troops of Col. Brown and Maj. Garrison, and returned by the House of Representatives with their sanction, together with the message of the House of Representatives informing the Senate of that sanction, and that the President of the Senate be requested to see that this resolution is properly carried into effect, and to sign the papers as President of the Senate.

On the adoption of which, the yeas and nays were called by Messrs. Brockenbrough and Walker, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Livingston, McLean and Walker—6.

Nay—Mr. Edwards.

So said resolution was adopted.

On motion of Mr. Brockenbrough, Mr. Dupont was called to the chair, when he offered the following resolution:

Resolved, That the thanks of this Senate, be tendered to the President, WILLIAM P. DUVAL, for the impartial and efficient manner in which he has discharged the duties of the Chair.

Which was read and unanimously adopted.

When the President made a neat and appropriate reply,

On motion the Senate adjourned *sine die*.

100

APPENDIX
TO THE
JOURNAL
OF THE
SENATE.

EXECUTIVE DEPARTMENT, }
Tallahassee 26th January, 1841. }

*To the Honorable the Senate
of the Legislative Council of Florida :*

I herewith transmit to you the Report of the Auditor of Public Accounts, for the year 1840.

The Auditor has been recently appointed to office and labors under such disadvantage in making his Report in consequence of the absence of the Treasurer, which is occasioned by a family affliction.

ROBERT RAYMOND REID.

The Auditor of Public Accounts has the honor to make to his Excellency the Governor his Annual Report for the year 1840.

Exhibit No. 1 will shew that there has been paid into the Territorial Treasury on account of Auction Tax for the last year the sum of

\$3,448 54

And on account of arrears of Auction Tax, and Revenue for the year 1839 the sum of

2,578 75

\$6,027 29

By the last settlement with the Treasurer there was remaining in the Treasury on the 26th day of December 1839, the sum of

342 43

Six thousand three hundred sixty-nine dollars seventy-two cents,

\$6,369 72

But as the Treasurer is at this time absent, (from domestic affliction) I am not able to report an annual settlement with him, so as to show the amount now remaining in the Treasury or what amount of Treasury warrants have been paid off since the last annual report. So soon as he returns, which is daily expected, the proper settlement will be made and reported.

There appears to have been issued of Auditor's warrants, since the last report, the sum of (\$10,294 36) ten thousand two hundred ninety four dollars and thirty six cents, and that there were outstanding by the last Auditor's report, the sum of (\$7,656 93) seven thousand six hundred and fifty six dollars ninety three cents.

But until a settlement is had with the Territorial Treasurer, I am unable to report what amount has since been paid, and consequently the amount now due and outstanding.

The amount must necessarily be large, as no revenue was assessed or collected last year, and the sum paid into the Treasury on account of Auction Tax and arrears of last year, 1839, as will be seen, was small, proportioned to the demand of Treasury, particularly for the expence of prosecuting criminals.

A large amount of Auction Tax reported to be due would have been paid, but for want of the receipt of the Treasurer, and has been withheld until his return.

All of which is respectfully submitted

by your obedient servant.

JOHN MILLER,

Auditor Public Accounts for Territory of Florida.

To his Excellency

ROBERT RAYMOND REID.

January 18, 1841.

Exhibit No. 1.
A Statement showing the Amount Returned on Auction Tax and the Amount paid into the Treasury on Tax, and arrears of Auction Tax and Revenue for last year, since the last Auditor's Report, and Amount paid on Orphan Funds.

Amount Auction Returns, 1840.										Arrears Revenue.			
Auctioneers.	Counties.	Am't.		Am't.	Due.	Arrears		T. Collectors.	Counties.	Am't.		Am't.	Am't.
		Ref'd.	Paid.			Ac't	Tax.			Paid.	Due.		
R. J. Hackley,	Leon County,	2432 10	2235 60							1052 19	1006 87	1965 50	
A. M. Alexander,	"	143 10	143 10							14 27	16 04		
F. B. Whiting,	"	5 50			5 50								
E. W. Dorsey,	"	77 77	34 92		38 97								3 88
B. Byrd,	"	54	54							1 10			
W. Monroe,	Gadsden,	43 18	43 18					H. Stephens,	Hamilton,	181			
J. H. Parker,	Jackson,	18 80	18 80					Jesse Carter,	Alachua,	250		4559 77	5 47
H. Michlet,	Escambia,	376 24	353 64		22 60			J. M. Stuart,	Hamilton,	43 38			
Jos. Foster,	Franklin,	32 52	32 52					C. Harris,	Gadsden,	110 44			
Rob't. Myers,	"	411 02			411 02			W. R. Taylor,	Jefferson,	913 50	50		119 50
J. M. Palmer,	Jefferson,	2 51			2 51			J. L. Hart,†	Leon,	12 87		110 70	
J. L. Phillips,	St. Johns,	50 86	11 58		39 28			D. McCloud,	Walton,			5863 38	1477 98
R. D. Fontane,	"	346 77	212		134 77					2578 75			
W. Killgore,	Hillsborough,	1 30	1 30										
W. H. Wall,	Monroe,	293 49	47 52		243 63								
C. M. Wells,	"	27 25											
J. A. Thouron,	"	47 76			47 76								
J. B. Brown,	"	122 89	122 89										
A. C. Telt,	"	57 94			53 19								
A. T. Telt,	"	134 78	132		7 65								
A. Patterson,	"	58 95											
		4685 22	3418 54		1006 88								

† Amount as per former Report.

• Collection resisted.

JOHN MILLER, Auditor Public Accounts, Fla.

EXHIBIT No. 2.

A General Statement shewing the aggregate of Auction Tax and Arrears of Revenue and the Expenditures of the Territory, under their respective heads, for the year 1840.

				Dr.	
Expenses	State	Convention,		173	00
Do.	prosecuting	criminals,	Western District,	8,826	55
Do.	do.	do.	Middle do.	1,246	65
Do.	do.	do.	Apalachicola do.	1,718	13
Do.	do.	do.	Eastern, do.	1,332	87
Do.	do.	do.	Southern do.	266	62
Do.	Executive	Department,		800	00
Do.	Treasury	do.		1,542	00
Do.	Collecting	Revenue,		1,454	05
				<hr/>	
				\$12,300	60

				Cr.	
By	balance	in the	Treasury, 26th Dec., 1839,	342	48
By	amount	received	on Auction Tax, 1840,	3,448	54
By	amount	received	on arrears of Auction Tax and		
	Revenue,	1839,		2,578	75
By	Fines	and	Forfeitures,	1,558	10
By	balance	Auditor's	Warrants issued,	4,432	78
				<hr/>	
				\$12,300	60

AUDITOR'S OFFICE, January 18, 1840.

To His Excellency Robert Raymond Reid, Esq.

Sir,—Annexed is a list of Auctioneers that have tendered payment; but in the absence of the Treasurer cannot obtain receipts for commissions on auction sales:

R. J. Hackley, Leon County.

E. W. Dorsey, " "

F. B. Whiting, " "

A. M. Alexander, " "

B. Byrd, " "

Rob't. Myers, Franklin County.

John M. Palmer, Jefferson "

B. D. Fontane, St. Johns "

Respectfully,

Your obedient servant,

JOHN MILLER,
Auditor Public Accounts.

EXECUTIVE DEPARTMENT, }
Tallahassee, January 11th, 1841.

*To the Honorable the Senate
of the Legislative Council of Florida.*

I herewith transmit to you a "statement" of the condition of the Union Bank, just received from John G. Gamble, Esq., the President of that Institution.

ROBERT RAYMOND REID.

COPY.

UNION BANK OF FLORIDA, }
Tallahassee, Jan. 5th, 1841.

Sir:—I herewith enclose a statement of the condition of this Bank, as on the 1st January, 1841. Also a list of names of Stockholders of the Bank, who are proprietors of 20 shares and upwards.

Very respectfully,

Your ob't. serv't.

JOHN G. GAMBLE, Pres't.

To Robert Raymond Reid, Esq. Governor of Florida.

STATEMENT

OF THE

UNION BANK OF FLORIDA.

On Friday Morning, January 1, 1841

		Dr.
Stock Notes discounted,	\$1,902,159 23	
Do. in suit,	8,302 00	
		1,910,461 23
Notes and Bonds discounted,	988,824 62	
Do. in suit,	388,188 07	
		1,356,962 69
Bills of Exchange returned protested,	106,790 05	
Do. in suit,	21,778 57	
		128,568 62
Territorial Bonds unsold,	704,000 00	
Florida 8 per cent. Bonds,	50,000 00	
		754,000 00
Premium on Bank Stock,		3,801 00
Protested Account,		693 49
Interest on Post Notes, due in 1841,	13,227 86	
Do. do. do. 1842,	11,968 17	
		25,214 93
Due by Banks and Agents.	163,118 48	
Agency at St. Joseph,	93,406 00	
		256,525 28
Cotton Account,		4,664 53
Real Estate in Tallahassee,	25,169 90	
Real Estate in St. Joseph and Jack-		
son County,	59,185 32	
Real Estate in Richmond, Virginia,		
in trust,	9,971 84	
		94,327 06
Cash Balance, Specie,	2,022 88	
Notes of other Banks and Corpo-		
rations,	19,528 00	
		21,550 88
		Dollars, 4,556,768 81

Cr.

Capital Stock,	\$3,000,000 00	
Cash Stock,	143,700 00	
	<hr/>	3,143,700 00
Due to Banks and Agents,		364,193 15
Bills Payable,		33,455 27
Post Notes issued payable in 1842,		216,154 71
Bank Bonds payable in New York,		
1841,		25,000 00
Deposites, including Certificates,		184,337 69
Circulation,		365,111 00
Sinking Fund,	330,962 12	

LESS

Interest upon \$497,000 of Bonds of the Bank issued in 1837, and loss on exchange in remittance to pay principal and interest of the same : also, loss on exchange in remittances to pay interest of Territorial Bonds : also, discount on sales of \$476,333 33 of Post Notes of the Bank of the U. S., all of which should have been charged in the annual statements for January, 1839 and 1840 ; besides the sums then charged,*

100,847 02

Which will reduce the Sinking Fund to the sum of

230,115 10

Discount Account, \$216,901 16

Incidental expenses, 32,638 00

Int. on Territorial bonds, 137,760 00

Do. Bank do. 7,727 76

Loss on cotton shipped to pay interest & exchange thereon,

44,073 51 222,196 27 5,298 11 224,816 99

Dollars, 4,556,768 81

* The items here referred to were included in the account of John G. Gamble, Agent, which was not adjusted until after January, 1840.

There are arrears of interest due the Bank upon Bonds and Notes in suit, and other papers lying over under protest, exceeding in amount \$110,000, which added to the above sum of \$224,816 99 would make the Sinking Fund \$334,816 99.

R. L. RUTGERS, *Assistant Cashier.*

TERRITORY OF FLORIDA, }
County of Leon. }

Personally appeared before me, a Justice of the Peace for the County aforesaid, Henry L. Rutgers, Assistant Cashier, of the Union Bank of Florida, and made oath that the above statement is correct, to the best of his knowledge and belief.

Given under my hand and seal, this fifth day of January, 1841.

A. SPENGLER, *Justice of the Peace.*

EXECUTIVE DEPARTMENT, }
Tallahassee, 25th January, 1841. }

*To the Honorable the House of Representatives,
of the Legislative Council of Florida.*

I herewith transmit to you the statement of the condition of the Southern Life Insurance and Trust Company, just received from Geo. Field, Esq. the President of that Institution.

ROBERT RAYMOND REID.

SOUTHERN LIFE INSURANCE AND TRUST COMPANY, }
Tallahassee, January 22d, 1841. }

To his Excellency

Robert Raymond Reid.

SIR:—I transmit herewith the annual statement of the condition of this Company. A little delay has unavoidably occurred in consequence of the difficulty of communicating between its various offices.

At the date of the last annual report, this company stood almost alone, in the Southern country, in its policy of paying coin for its notes and obligations on demand. Conscious of the justice of this course, and desirous of sustaining as far as practicable, the credit of the Territory abroad, and by its example and influence to induce resumption on the part of others, the Trustees hesitated at no effort or sacrifice in their power, to maintain the character which they claimed for the Institution, and to which they felt themselves justly entitled.

Notwithstanding the liberal facilities afforded by this company to its dealers, in furnishing exchange, and the indulgence granted to its debtors, such had been the credit of the Institution at the North, in consequence of their manner of doing business, it was not doubted, that either by sale or hypothecation of its bonds guaranteed by the Territory, (of the use and full credit of which, they could not expect to be deprived, having strictly complied with the requisitions of their charter) and by a like use of the \$50,000 of Territorial Bonds received for a loan negotiated by your Excellency, they would be enabled to meet all their engagements. Nor will it be contended in view of the then immediate liabilities of this company, that such expectation was not well founded. The most extraordinary character of the report, however, of the Judiciary Committee of the popular branch of the last Legislative Council, and the subsequent action of that branch upon it, had the effect of defeating every attempt at negotiating on any thing like fair terms, not only the \$400,000 of bonds guaranteed by the Territory, (and for which guarantee abund-

ant security, as required, was given,) but also the \$50,000 loaned to the Territory, for a part of which, New York funds were paid. Nor was this all. The company, unable to resist the influences thus operating to its prejudice, could not make its own credit available.

A general and fatal distrust of all Florida securities arose in the money markets, and as the engagements of the company in New York matured during the summer, they were compelled on some of them to suffer protest.

Anxious, if possible, still to sustain themselves and meet the just expectations of their creditors, an earnest appeal was made to the Northern Stockholders who had originally paid in about two thirds of the capital. They were made familiar with the situation of the company, and the immediate causes of our inability to meet engagements, and were urged to lend us 200,000 dollars, either in money or credit, a sum deemed amply sufficient to place the company upon high and independent ground. It was feared by the Stockholders to whom the circular was addressed, that the same unlooked for measures, on the part of the constituted authorities of the Territory, which had operated so seriously to our prejudice heretofore, might be continued, and thus this attempt proved fruitless. They had through the medium of this Company, invested much money in Florida, and without some better assurance than the undersigned felt authorized to give, that the company would be permitted to enjoy its chartered rights in quiet, so long as they acted in good faith, they were unwilling to invest more.

Anxious to relieve ourselves as far as possible, an effort was made which, in most cases, proved successful, to get indulgence on a portion of the amounts protested, by paying the balance, which was done. And in New York, where our credit had suffered most, our efforts tended in a considerable degree to restore it, not however, to a sufficient extent, to bring relief from all our engagements; and until some favorable action of the Council, which shall tend to wipe away the stain cast upon the credit of the Territory, and thus enable us to dispose of the \$175,000 of bonds, necessity will force us to a rigid curtailment, to meet the expectations of your Excellency. It will readily be perceived, by reference to the report herewith, that the securities in bonds held by this company (if made available by a restoration of their credit, so far as it may depend upon the faith of the Territory,) will be sufficient to render unnecessary any pressing measures against their debtors.

The present circulation, and other immediate liabilities of the company are not large, compared with its assets, a sufficient amount of which, it is hoped to make available to meet the lia-

bilities abroad as they mature. Our policy has *not* been to *expand*, nor to contract faster than seemed compatible with the safety of our debts, and particularly as collections could only be made in the notes of Banks which neither gave specie or exchange.

Our first object has been to do justice to our creditors. If other Institutions have succeeded in this better than *we have*, then it may be proper to institute comparisons between us, unfavorable to this Institution. If "serious doubts are entertained of the solvency" of *this company*, the undersigned is unable to perceive reasons for such doubts, which would not apply with at least as great force to the other Banks of the Territory.

The Trustees have loaned no money at any time, to such as they did not think able and willing to pay according to agreement. They have sometimes, like others, been deceived in this, but claim for themselves, the ability to profit by experience.— They have constantly aimed to have their doings characterized by the *strictest impartiality*, looking always carefully to the pecuniary ability of the applicants, and to the nature of the security offered.

The Trustees are well aware of the disadvantages under which they labor at a time, when the patience of nearly every sound business man in the community, has been exhausted by the continued suspension of the Southern Banks. They know, too, how delicate a thing the credit of a Bank is, and how easy it is by a *single expression* to injure it.

Aware of the high obligation and necessity that exists to resume specie payments as soon as practicable, the Trustees will do all in their power, consistent with a due regard for the interest of their debtors, to bring about so desirable a result. To regain the same flattering confidence which has heretofore been extended to them by the citizens of the Territory, and to merit its enjoyment will be their constant aim.

All of which is respectfully submitted.

GEO: FIELD, President.

STATEMENT

Of the condition of the SOUTHERN LIFE INSURANCE AND TRUST COMPANY, compiled from returns of the Apalachicola Office of fifteenth current, returns from Tallahassee, St. Augustine and Jacksonville Offices, and from Agency at New York, to the 1st day of January, 1841.

RESOURCES.

Notes and Bills discounted,	774,782 49
Amount due on Bonds and Mortgages,	659,961 23
Suspended Debt,	15,305 23
Loans on collateral security payable on demand,	29,158 17
Bonds including \$25,000 loaned to the Territory on Territorial Bonds, and yet unsold,	47,000 00
Bonds guaranteed by the Territory and remaining unsold,	150,000 00
Bonds of Union Company and Union and Potomac Company of Maryland and Virginia, [This amount is amply secured by mortgages on real estate in New York, Maryland and Virginia.]	87,622 48
Balances due from sundry Agents, Banks, Branches, &c. other than Branches and New York Agency of this Company,	47,884 01
Balances for advances on account of cotton at Apalachicola,	52,163 42
At Tallahassee,	26,502 92
	<hr/>
Bank Stocks,	78,666 34
Real Estate, including two Banking Houses and Lots,	26,045 00
Personal property in five offices,	21,016 96
Overdrafts—Aggregate am't. at all the Branches due from 29 individuals,	6,099 11
Profit and loss, including all losses in negotiating Bonds, and after paying all expenses to January 1, 1841,	20,160 51
	61,972 81
Cash—Bank Notes of other Banks,	30,217 00
Specie,	3,010 89
	<hr/>
	33,227 89
	<hr/>
Dollars,	2,058,902 23

LIABILITIES.

Capital Stock,	897,075 00
Due to sundry Banks and Branches, other than Branches of this Company,	18,026 32
Deposits to apply to discounted paper past due,	16,608 22
Certificate account for deposits,	22,281 73
Certificates issued to the Union, and Union and Potomac Companies,	82,762 25
Deposits due to individuals,	106,903 75
Dividends unpaid,	972 50
Bonds issued by this Company, payable in 1865, bearing five per cent. interest, and guaranteed by the Territory,	400,000 00
Bills payable at Agency in New York in the year 1841,	253,892 95
Other obligations of this Company for loans,	137,079 91
Notes of this Company in circulation,	111,595 00
Resulting balances, being items of accounts of the several offices in <i>transitu</i> ,	11,904 60
	<hr/>
Dollars,	2,058,902 23

It may be proper to remark that some interest is due from the Company on loans ; but it is believed the interest earned and due the Company, not embraced in foregoing, is at least equal in amount.

GEO. FIELD, *President.*

J. WILLIAMS, *Cashier.*

TERRITORY OF FLORIDA, }
Leon County. }

TALLAHASSEE, January 22, 1841.

George Field, President, and John Williams, Cashier, of the Southern Life Insurance and Trust Company, being duly sworn, depose and say : that the above statement of the condition of the Southern Life Insurance and Trust Company is just and true according to the best of their knowledge and belief.

A. SPENGLER, *Justice of the Peace.*

DOCUMENTS

ACCOMPANYING THE REPORT OF THE
COMMITTEE ON CLAIMS.

EXTRACT

From Governor Call's Message to the Legislative Council at the Session of 1839.

Since the last session of the Legislative Council, our frontier settlements have been greatly harrassed by the marauding bands of the enemy, notwithstanding the formidable and well appointed force employed by the Government in prosecuting the War, and in defending the frontier, the struggle with the Seminoles still continues with all the appalling incidents of savage Warfare. During the last summer, numerous and distressing instances occurred, in which whole families were murdered by the midnight attacks of the enemy. The frontier inhabitants were kept in a state of perpetual danger and alarm, and although the troops of the Government were actively employed in their defence, it became necessary in the opinion of the Executive, on the urgent application of the people and the officers of the exposed districts, to order a portion of the Militia into service. In Middle Florida these troops have been recognized by the Government, and most of them have been mustered and paid for their services. But, in East Florida, where a much larger force was employed, the Commanding General did not consider them necessary for defensive operations. In consequence of which the troops called out from the counties of Alachua and Columbia, have not and perhaps will not be paid by the United States. A correct return of the number of officers and men, or of their term of service, has not been received from the county of Alachua. But the officer commanding the Militia of Columbia county, reports a whole regiment to have been in service, amounting in the aggregate to seven hundred and ninety-three officers and men. Whether so large a force was necessary for the defence of the Settlements, is a question which the executive is not prepared to decide, as the scene of operations was too remote to enable him to form a correct opinion on the subject. The laws of the Territory require the Executive, in cases of invasion or insurrection, to order out such portion of the Militia, as he may deem necessary for the defence of our citizens. But relying on the protection of the army,

it was not until repeated outrages had been committed, and a number of lives had been sacrificed, that recourse was had to the local militia for defence. In adopting this measure at a time when the Indians in small bands hovered on the skirts of every settlement, and every inhabitant exposed to massacre, it became necessary to invest the officer in command with discretionary power, in relation to the number of troops to be employed, for the purpose of restoring tranquility, and to ensure the safety of those who were exposed to danger. But, he was specially instructed to employ no larger force than in his judgment, should be absolutely necessary, for defensive operations. The tragical occurrences on that frontier for some time preceeding, and subsequent to the date of this order, demonstrates the propriety of the course pursued. It matters not how numerous may have been the regular force engaged on that frontier, or what may have been its efficiency, gallantry, and enterprize; the unquestionable presence of the enemy, the invasion of the country, and the murder of our citizens at their own threshold, or while engaged in cultivating thier fields, without discrimination of age or sex, is the best proof that sufficient protection was not given by the Army, and that it was necessary and proper that the militia should be called out in the defence of their families and homes. Under these circumstances it appears to me that there should be no hesitation on the part of the General Government in paying the troops thus employed. I am not disposed to encourage an extravagant expenditure of the public treasure, or to ask compensation for services which were never rendered. But, the troops in question having been called into service, consistently with the laws of the Territory, so far as services have been performed I recommend that their claims for compensation be presented in an appropriate memorial to Congress, and that if they should not be paid by the United States, that the Territorial Government promise the necessary compensation.

EXTRACT

From the presentments of the Grand Jury of Alachua, &c. Nov. 1840.

ALACHUA SUPERIOR COURT, }
November, 1840. }

The Grand Jurors of the counties of Columbia, Alachua, and Hillsborough, before separating for their homes, take occasion to call attention to such subjects as they deem important to the counties from the body of which they come.

They represent as an act of great injustice, that the volunteers in Alachua and Columbia, called out by an order of the Governor, in the year 1838, still remain unpaid for their services. They allude to the regiment of Col. Robert Brown, and the battalion under Major Isaac Garrison. Both these corps were summoned into service for the protection of this extensive frontier, at a time when the withdrawal of all the United States forces from the interior, and the repeated massacre

which were occurring, rendered it a matter of exceeding urgency, and imperative necessity that they should take the field. They did so at their own expence, under authority of the Executive of Florida, and the laws then and still in force upon the subject, trusting to the pledged faith of the Territory, for their proper and stipulated remuneration. The Grand Jury bear ready testimony to the activity and efficiency of their services, during the spring and summer of 1838, and do not hesitate to declare their conviction that but for the protection afforded by these corps, the whole country East of the Suwannee and West of the St. Johns, *must and would have been abandoned.*

It was a year of great difficulty, distress, and misfortune to the inhabitants, and nothing but the encouragement and support which the efforts of the organised militia produced, sustained and carried the people through that peculiarly trying season, and resulted in the continued occupation of this region of country up to the present time. They ask as an act of justice, due to the brave volunteers of whom they speak, a prompt and early liquidation of their claims, and request the Representatives of their counties to urge the subject to the attention of the next Legislature.

I hereby certify that the foregoing is a true extract from the general presentations of the Grand Jury of Alachua, Columbia, and Hillsborough, at the November Term, 1840, of the Superior Court, this 2d day of January, 1841.

BENNETT M. DELL, Clerk.

I certify on honor, that in compliance with the order of the Governor of Florida, under date of the 26th March, 1838, I proceeded to organize and muster a force for the defence of the county of Columbia, and adjacent frontier. That the adjutant of the regiment, pursuant to my order, proceeded to inspect and muster the following companies, to wit:—those of Captains Martin, Pelot, Sanderlyn, Cason, Roberts, Bryant, Tillis, Hooker, Worth, Johnson, and Migell, that said companies were brought into service on the sixth day of April, and continued in service until discharged by my order in compliance with the order of Governor Call, on the twenty second day of July, of the same year, making a term of three months and sixteen days, with the exception of Capt. Bryant's company, which was discharged by the Lieutenant Colonel in command, on the twentieth day of July. That said companies, while so in service, were constantly in preparation for duty, and obeyed all orders issued by me through their respective officers. That they performed a more arduous and active duty than was performed by the volunteer forces in the service of the United States in 1837, when I was myself in service. Were all the time on the alert, and engaged in a system of scouts. Had several skirmishes with the enemy, and succeeded in a more effectual protection of the settlements than has been employed before or since that period.

I also certify, that such forage and subsistence as could be procured by the Quarter Master, were furnished, and that when it could not be procured by that officer, the men were directed by me to furnish their own forage and subsistence, which they did, upon the express understanding that they should receive therefor, the same price for which they could sell the same articles at the same time, or which they might have to pay for it.

And I further certify that regular reports of the strength and completeness of each company were made at the time of mustering by the Adjutant, and that the regiment provided its own ammunition, arms, and accoutrements for the service. That the muster rolls presented and certified to exhibited a report of the number of men and officers as reported by the Captains of companies; that said companies were actually in service, and under orders for the period designated in the said rolls respectively, and that they are justly and strictly entitled to pay for the said term.

Witness my hand at Columbia county, this fifth-day of January, A. D 1841.

ROBERT BROWN,
Col. 12th Regiment Florida Militia.

LETTER

From General Eustis to Committee of Citizens.

HEAD QUARTERS, 2D DIVISION ARMY OF THE SOUTH, }
Garey's Ferry, 15th April, 1838. }

To the Committee of the Citizens of Newnansville:

Gentlemen—Your communication of the 13th inst. was handed to me two hours since by Mr. Knight.

No one can regret more than I do, that the very small military force under my command has been found insufficient to protect the inhabitants of this frontier against the marauding excursions of the Indians, and to enable them to pursue with tranquility their agricultural labors. Such force as was under my control was disposed of according to the best of my judgment to effect that most desirable object. *That there has been no mounted force in service on this frontier has not been my fault.* My earliest and continued efforts from the day of my arrival here, have been to obtain for the service of the United States two or three companies of mounted Florida volunteers. I have not yet been able to obtain a single company.

I am happy, however, in being now able to say to you that I have received information that several companies of regular troops (two of them mounted) are on the march from the South, and may be expected to reach Micanopy this day. I have already dispatched orders to the commanding officer of these troops, Major Riley, to put all the disposable force, both horse and foot, in motion, to scour the hammocks, and

endeavor to find, dislodge, and destroy all the parties of Indians, who are supposed to be lurking on this frontier between the Suwanee and the head of Black Creek. And now, gentlemen, I call upon the citizens of Newnansville to put their own shoulders to the wheel, by giving to Major Riley every aid in their power, by strengthening his numbers, and furnishing him with guides, scouts and spies.

You state that relief is required in the way of subsistence for the many families assembled at Newnansville, and seem to intimate that you expect me to furnish it.

You surely cannot be ignorant that the business of supplying rations according to law to the suffering inhabitants of Florida has been taken out of the hands of the commanding officer of the troops, and is placed entirely under the control of the Commissioners appointed by the War Department.

So far as relates to the transportation of supplies necessary for the inhabitants of the exposed part of the frontier, I will with great pleasure instruct the officers of the Quarter Master General's Department to give every assistance which the public service will permit.

With the assurance of my respectful consideration,

I am, gentlemen,

Your humble servant,

ABR'M. EUSTIS, Brigadier General.

To FRANCIS R. SANCHEZ,

COTTON RAWLS,

JAMES PINDARVIS

JESSE CARTER, and

GILES W. ELLIS,

} Committee of the Citizens
of Newnansville.

COPY

Of a Letter from General Eustis to Major Garrison.

HEAD QUARTERS, 2D DIVISION ARMY OF THE SOUTH,
Garey's Ferry, April 15, 1838.

MAJOR J. GARRISON, Newnansville,

Sir—I have the honor to acknowledge your communication of the 13th inst. and in reply, being much hurried, I beg leave to refer you to a letter I have just addressed to the committee of the citizens of Newnansville, in answer to a communication from them of similar import to yours.

I am, with respect,

Your humble servant,

ABR'M. EUSTIS, Brig'r. Gen'l.

I hereby certify, upon honor, to the accuracy and correctness of the following statement, to wit:

The state of this region of country in the spring of 1838, was such as to render it imperatively necessary that the militia of this county should be organized, and called to duty. The regular forces had in a great measure been withdrawn; Indian massacres were of daily occurrence; the trails of the enemy were found in every direction around the settlements, and it became evident to all that without the most prompt and decided measures, the country must be abandoned to the enemy. Being the senior officer of the regiment here, regarding myself authorized by the laws of the Territory, in the then emergency, I ordered a Battalion into service; and directly after, under date of the 9th April, 1838, informed the Executive of what I had done. Shortly afterwards a meeting of the citizens of the county was held at Newnansville for consultation, and a committee appointed to communicate with Brigadier Gen. Eustis, concerning the defenceless condition of this frontier. A copy of the reply of Gen. E. is annexed for the purpose of showing the inadequacy of the means of protection at the command of that officer. After receiving Gov. Call's order of 23d June, 1838, to discharge my battalion from the Territorial service, I consulted with the principal and most discreet citizens of the county as to the propriety of complying with it, and in accordance with their unanimous opinion, sustained as it was by my own judgment, I decided to continue the battalion on duty, reporting my course to Governor Call, under date of July 5th, 1838. The battalion continued upon duty till the 19th September, when the necessity of their longer service being less urgent, they were disbanded by my order.

During all the period of its service the battalion was well organized, and performed constant and active service. The men composing it were all the while under orders, and did even more duty than has been usually required of volunteers mustered into the service of the United States. It was engaged in one regular battle at Santa Fe Bridge with a large force of Indians, and in repeated skirmishes, and by its vigilance and constant scouting, effectually kept off the enemy from the settlements.

If a military corps ever entitled themselves to pay this battalion did, especially as it was called upon duty at a season of the year, which obliged its members to abandon their agricultural pursuits, and composed almost entirely of men upon whose single and unaided labor their families were dependant for support.

J. GARRISON,
Major 1st Battalion 6th Reg't. Florida Militia.

The undersigned citizens of Alachua county beg leave respectfully to add our testimony as to the necessity and propriety of the course pursued by Major Garrison as detailed in the foregoing statement, in reference to the employment of his Battalion in the spring and summer of 1838. The situation of the country at the time was such as to render it absolutely necessary that a militia force should take the field; and that of necessity continued throughout that spring and summer.

The number of men called into service so far from being too many for the occasion, was less than the circumstances would have justified.

We add further that the Battalion performed all the while most meritorious service, and was the means of saving this frontier from total destruction and abandonment.

We cannot too strongly recommend their title to a prompt and early liquidation of their claims.

FRANCIS R. SANCHEZ, Col. 6th Reg't. F. M.

A. McNEIL,

THOS. E. BARROW, Sheriff of Alachua County.

JESSE CARTER,

JOHN R. STANDLEY, of Fort Tarver.

GEO. F. OLMSTED, Int. of Town of Newnansville.

LIGHT TOWNSEND,

BENNET M. DELL, Lt. Col. Vol's. in U. S. service.

COPY

Of letter from Major Garrison to Gov. Call.

NUNANSVILLE, July 5, 1838.

Dear Sir:—Yours of the 23d ult. has been received by the politeness of Capt. Byrd. I can only say, that I am sorry to be informed, that the money cannot be refunded to me. But if that was all it could be easily got along with, as I should be the only sufferer, and I have got so much accustomed to disappointment and losses, that I am taught to take them patiently.

But when I have to report the heart rending scenes that are daily occurring among my fellow citizens, it bears my spirit down. The brave Capt. Walker is no more. But, he fell honorably in battle, the report of which, I expect you have seen before this. As this battle was about twenty miles below this place, and as the Indians were met, we had flattering hopes that they would not interrupt us. But how quick were these hopes blasted! Mr. Gwinn and his family left Fort Harlee on Sunday 1st instant, and on the 2d the Indians made an attack on him and murdered himself, his wife and children in their barbarous way. One of his sons luckily made his escape to Fort Harlee, and the troops used all their power to find the Indians, but failed. This took place in about ten miles of Nunansville on the Santa Fe.

No country can have a worse feature than Alachua has at this time, and General Taylor is not near this place for me to report to. In that case I feel compelled to keep the battalion in service of the Territory, till further ordered.

With great consideration, I am dear sir,

Your humble servant,

ISAAC GARRISON,

Major commanding, &c.

His Excellency R. K. CALL.

DOCUMENT

ACCOMPANYING THE MESSAGE OF THE GOVERNOR

Date: January 25, 1841.

PRESENTMENTS.

The Grand Jury empannelled and sworn in and for the county of Duval, being about to bring their official duties to a close would respectfully beg leave to submit the following presentments :

They would bring to the consideration of the Court, the unsettled state of the country, arising from the continuance of Indian hostilities,—while suffering, danger and death, are daily threatening some of our fellow citizens, no part of East Florida is exempt from the evils incident to our Indian and border war. A lenity of morals and a frequency of crime are the almost inevitable result on every side, they witness evidence of this truth. In a disturbed and unsettled state of the county, the incentives to crime are many and the restraints few. From such a state of things they duly hope for relief, by a removal of the Indians from the Territory. By the frequent charges of those entrusted with the command, hopes of a termination of these difficulties and evils, have been often excited, to be as often blasted, but they never look forward to a change, from which they anticipate the happiest results, by restoring peace to our borders and happiness to our homes.

The Grand Jury would present the management of this war with our insignificant tribe of Indians, without assuming the province of condemning or censuring any of the officers to whom the conduct of the war have been committed. It requires no great wisdom to discover, that it has been unskillfully managed, and unnecessarily protracted, to the great detriment of all East Florida. In the most public and solemn manner they would repel the imputation, which some have been so ready to

cast upon them, that the citizens of Florida have contributed to prolong the war, or have desired its continuance, or been benefited by it. They hail with joy the prospect of an important change in those who are to control and conduct it.

The Grand Jury would present, that a division of the Territory is a subject of great and abiding interest, to the citizens of this part of the Territory, disconnected from the Middle and West, in business, in sympathy and in feeling. They regard a separation from them Territorially as a subject of great concern to the whole of East Florida, and that the assumption of a State Government with the taxes and responsibilities incident thereto, would beget evils and suffering which they are reluctant to encounter.

The grand jury would present numerous instances of a censurable neglect of duty by the justices of the peace, and other judicial officers in this county, and particularly in Jacksonville in not enforcing the laws, by restraining those who, in the most daring and reckless manner, threatens acts of violence and bloodshed. To this neglect, in permitting men armed, and using the most violent threats, to go unchecked for hours and even days, would they attribute, in no small degree, the fatal affray that took place in May last, and which has been brought to their notice at this session. To prevent a repetition of such acts, tending to disorganise society, and jeopardise the lives of unoffending and quiet citizens; those who are by law conservators of the peace, should be required to discharge, faithfully and fearlessly, their duty by imposing a restraint upon all who armed with deadly weapons, threaten violent and murderous assaults upon others, or who threaten in any manner to violate or disturb the public peace. The Grand Jury would present A. W. Crichton, Esq., assessor of taxes for the district of Mandarin, for neglect of duty in making returns of assessments.

The Grand Jury would present the want of a competent jail in the county, as a great grievance, criminals are either permitted to go at large, as the officers are compelled to muster a large force, to guard prisoners while carried forty miles, over a road endangered by lurking Indians, thence to be confined in such a manner as to create the probability of escape.

The Grand Jury would also present the remissness of the Port Wardens for the St. John's Bar, from granting branches to careless or improper persons, the number of wrecks has greatly multiplied, though the bar is not believed to have changed for the worse. The importance of this bar at this time imperatively demands, skilful and faithful pilots. To a few

D.

men is entrusted not only a large amount of property, but &c. They have deemed it their duty to call attention to this subject, that a reform may be effected.

The Grand Jury would take this opportunity to tender to his Honor Judge Bronson, their thanks for his lucid and able charge as they were entering upon their duties, and to express their pleasure and approbation, of the prompt and efficient manner with which the business of the session has been conducted.

The Grand Jury request that these presentments may be read in open court, and published in the newspapers of St. Augustine, and that a copy be sent to our delegate in Congress, and to the Governor of the Territory.

GEO. FLEMING, Foreman.

J. GUTTERSON, Secretary.

Jacksonville; December 15, 1840.

A true copy from the original now on file in my office.

ISALAH D. HART, Clerk.

Per D. HIRAM B. HART, D. C.

EXECUTIVE DEPARTMENT, }
Tallahassee, Jan. 29th, 1841. }

To the Honorable the

Legislative Council of Florida :

The absence of the Treasurer of the Territory, having been longer than was anticipated by the officer or myself, at the time of his departure for New Orleans, I submit, for the information of the Legislative Council, a Report made to me in December last, at my special request.

ROBERT RAYMOND REID.

REPORT
OF THE
TREASURER.

TREASURER'S OFFICE,
Tallahassee, December 23, 1840. }

To His Excellency

Robert Raymond Reid :

Sir—Herewith I have the honor to hand you my account current with the Territory for the past year, showing all moneys received and disbursed during that period, and leaving a balance in the Treasury of two dollars and eighty-eight cents.

Of the appropriation by Congress of twenty thousand dollars for the erection of Public Buildings in Florida, as shewn by his report of last year, the sum of three thousand dollars was paid over to the former Commissioner, Mr. English ; the remainder, seventeen thousand dollars, has been paid since to the présent Commissioner, Mr. Baltzell, and each account charged with their respective amounts on my books.

The sum of three thousand two hundred and twenty-eight dollars and fifteen cents received of you on the 5th June last, to pay the interest due on the 1st July last on the one hundred Territorial Bonds sold to the Union Bank and Life and Trust Company, has been applied to the payment of the same, and the interest coupons received from those institutions and placed on file in this office.

There is but little alteration in the balance on hand of the School Land Fund since my last report on the subject, though an account of its present situation will be submitted.

Very respectfully,

Your obedient servant,

T. H. AUSTIN, Treasurer.

The Territory of Florida in Account Current with Thomas H. Austin, Treasurer.

1840.

Dr.

To expenses collecting revenue, paid Auditor's warrants,	80 00
To uncurrent notes, paid Auditor's warrants,	25 00
To expenses Indian War, paid Auditor's warrants,	3,411 95
To expenses Treasury Department, paid Auditor's warrants,	1,043 67
To expenses prosecuting crimes Middle District, paid Auditor's warrants,	477 63
To expenses State Convention, paid Auditor's warrants,	580 50
To expenses prosecuting crimes Western District, paid Auditor's warrants,	123 45
To expenses taking census, paid Auditor's warrants,	45 50
To Treasury Notes, amount redeemed,	29 00
To interest account, paid interest on Treasury Notes redeemed,	17 75
To expenses Executive Department, paid Auditor's warrants,	400 00
To expenses prosecuting crimes Eastern District, paid Auditor's warrants,	411 59
To expenses prosecuting crimes Southern District, paid Auditor's warrants,	67 50
To expenses prosecuting crimes Apalachicola Disistrict, paid Auditor's warrants,	637 12
To balance,	2 88
	<hr/>
	\$7,355 64

1840.

Cr.

By balance in Treasury, 26th Dec., 1839,	342 43
By revenue received on Auditor's certificates,	3,748 01
By auction tax received on Auditor's certificates,	3,265 20
	<hr/>
	\$7,355 64

By balance in Treasury Dec. 23, 1840, 2 88
THOMAS H. AUSTIN, Treasurer.

EXECUTIVE DEPARTMENT, }
Tallahassee, February 3, 1841. }

To the Legislative Council of Florida.

I herewith transmit the Annual Report of the Commissioner
of the City of Tallahassee for the past year.

ROBERT RAYMOND REID.

To the Senate and House of Representatives of Florida :

The undersigned, Commissioner of the City of Tallahassee for the past year, herewith encloses an account of receipts and expenditures since his appointment, shewing a cash balance in his hands of \$4 47, and in notes of \$11,217 17; total, \$11,222 04.

He submits the following statement of the probable resources of the capital fund :

The above balance,	11,222 04
Amount which may probably be collected on old account, including suit on official bond of Willis Alston,	5,000 00
Value of lots unsold,	5,000 00
Value of right of location of a quarter section owned by the Territory,	1,000 00
	<hr/>
	\$22,222 04

There is due	
To Mr. Shine on his contract,	9,937 00
" " "	300 00
" Levinus " extra work, &c.	4,233 00
" Scott on contract, about	1,700 00
" J. R. Robinson,	467 00
" Johnson & Hoyt,	1,467 00
Contingencies,	2,000 00
	<hr/>
	\$20,104 00

Balance in hands of Commissioner after the above payments are made,	2,118 04
The estimated expense of completing the Capitol is	28,000 00
	<hr/>
Leaving a deficiency of	\$25,881 96

The undersigned respectfully solicits the appointment of a committee to examine his accounts, vouchers, disbursements, &c. and particularly to inquire into the contracts he has made with workmen and the sale of drafts received from Government, and also to inquire into the general condition of the fund and his office.

He submits the necessity of asking an appropriation from Congress, otherwise the building must remain in its present incomplete state, exposed to the weather and liable to great injury.

Very respectfully,

THOMAS BALTZELL.

Tallahassee, Feb. 2, 1841.

*The Commissioner of the City of Tallahassee in Account with
the Territory of Florida.*

1840.

Dr.

To amount received from Treasurer under appropriation of Congress,	\$17,000 00
To amount of premium on drafts sold,	848 00
To amount of sales of 95 lots in NW. qr. of 36, township 2 N, R. 1 W, and in the NE. qr. of sect. 1, T. 1, R. 1,	15,813 50
To amount of sales of 18 lots in sect. 1, township 1, range 1, W. SE. and SW. qrs.	3,655 00
To amount advanced by Gov. Reid to contractors,	711 00
To amount received on ac't. of old claims,	492 00
To amount sale of old capital,	600 00
	<hr/>
	\$39,119 54

1840.	Cr.
By cash paid Shine, contractor for brick work,	\$13,563 00
" " Levinus, " for carpenter work,	5,767 50
" " Scott, " for plastering "	800 00
" " Johnson & Hoyt, for carpenter work,	933 86
" " J. R. Robinson, " "	500 00
" " Gov. Reid for advances,	711 00
" " late Commissioner, for bal. due him,	533 89
" " John G. Padrick for fencing, &c.	248 00
" " J. S. Robinson under resolution of the Legislative Council,	200 00
" " Mrs. Chausler "	200 00
" " Gov. Duval, "	750 00
" " T. H. Austin, "	200 00
" " estate Chas. Austin "	100 00
" " R. B. Ker surveying, &c.	491 00
" " Dorsey, auction sales, July,	50 00
" " Apal'a. Gazette and Star printing,	68 00
" " Floridian printing, 1839,	194 00
" " " " 1840,	97 00
" " J. B. Brown, assisting auctioneer, &c.	150 00
" " Nunes for plats, &c,	88 00
" " discounts on cash pay to lots,	196 00
" " stationery and furniture,	77 75
" " clerks, costs,	28 50
" " Levinus for capitols,	100 00
" " " removing rubbish,	50 00
" two lots sold and not taken out,	300 00
" Commissioner's salary,	1,500 00
Balance,	11,222 04
Consisting of	
Cash, 4 69	39,119 54
Notes due 1st March, 11,217 37	

\$11,222 04

THOMAS BALTZELL, Commissioner.

Tallahassee, Feb. 2, 1841.

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EXECUTIVE DEPARTMENT, }
Tallahassee, February 3, 1841. }

To the Legislative Council of Florida :

I herewith enclose the Letter and Report of the Treasurer
on the School Land Fund for the year 1840.

ROBERT RAYMOND REID.

COPY.

TREASURERS OFFICE,
Tallahassee, February 1, 1840. }

His Excellency Robert Raymond Reid :

Sir,—Herewith I beg leave to hand you my account with the Territory for the last year on account of School Lands, exhibiting all moneys received since my return of last year, and leaving the balance of cash in the Fund of seven hundred and eighty-seven dollars and seventy-five cents.

Very respectfully,

Your obedient servant,

(Signed)

THOS. H. AUSTIN, Treasurer.

The Territory of Florida on Account of School Lands, in Account with Thomas H. Austin, Treasurer.

1840.	Dr.
To balance,	787 75
	<hr/>
	\$787 75

1840.	Cr.
By balance on hand as per report, 7th January, 1840,	686 25
" cash received of Thomas L. Hall, for rent,	5 00
" " " of Frederick Scott, " "	11 00
" " " of H. Doggett, " "	4 00
" " " of Wm. M. Maxwell, " "	73 00
" " " of T. P. Chairs, " "	8 50
	<hr/>
	\$787 75
	<hr/>
By balance on hand, Feb. 1, 1841,	\$787 75
(Signed) THOS. H. AUSTIN, Treasurer.	

EXECUTIVE DEPARTMENT, }
Tallahassee, Feb. 8th, 1841. }

To the Honorable the

Legislative Council of Florida :

Enclosed herewith is the report of the Auditor, containing the information required by a resolution of the Senate of the 29th January, 1841.

ROBERT RAYMOND REID.

To His Excellency

Robert Raymond Reid :

Sir—~~Annexed~~ is a correct statement in answer to a resolution of the Senate of the 29th ultimo.

Any further information will be cheerfully furnished, if required.

Respectfully,

Your obedient servant,

JOHN MILLER,

Aud. Pub. Acct., Fla.

• February 5, 1841.

A List of Arrears Due the Territory from all Sources, as exhibited by the Books of the Office.

When Due.	From Whom.	Counties.	Offices.	Am't Due.	Remarks.	Names of Counties.	Date since Returned.
1834.	Francis J. Avise,	St. Johns,	Sheriff,	\$ 960	Ordered in suit.		
1835.	Jas. D. Bullock,	Franklin,	Tax Collect'r,	106 82	do. do.	Escambia.	1835.
"	Wm. Livingston,	St. Johns,	Auctioneer,	23 18	Not to be found.	Washington.	1835.
1833.	Joseph R. Betton,	Fayette,	do.	18 24	do.	Calhoun.	1838.
"	Daniel C. Hart,	Duval,	Sheriff,	92 96	Ordered in suit.	Franklin.	1838.
"	Alex. Adair,	Leon,	do.	276 11	do.	Columbia.	No Returns.
"	A. G. Mays,	Jackson,	Marshal M. D.	235 42	do.	Alachua.	1838.
"	Waters Smith,	St. Johns,	Tax Collect'r.	288 91	do.	Nassau.	1835.
1839.	Blyden Vanbaun,	Escambia,	Marshal E. D.	11,602 70	do.	Duval.	1835.
1836.	Daniel McCloud,	Walton,	Auctioneer,	110 70	Chargeable to the Co.	St. Johns.	1835.
1835.	A. G. Phillips,	Duval,	Tax Collect'r,	127 57	Ordered in suit.	Musquito.	1835.
"	John G. Tyner,	Alachua,	do.	273 28	do.	Hillsborough.	1836.
"	Joshua Joiner,	St. Johns,	do.	1242 27	do.	Dade.	No Returns.
1836.	John Duncan,	Franklin,	do.	617 30	do.		
"	Tilman J. French,	Leon,	do.	2558 88	do.		
1837.	Samuel H. Duval,	do.	do.	3157 1	do.		
1838.	John Enderman,	Franklin,	do.	2042 51	do.		
1839.	do. do.	do.	do.	2379 58	do.		
"	Michelet & Vanbaun.	Escambia,	Auctioneer,	688 30	do.		
"	Wm. H. Michael,	Leon,	Tax Collect'r,	1739 75	do.		
"	St. J. & L. W. R. R. Co.	Calhoun,	Auctioneer,	7500 00	do.		
"	Wm. E. Davis,	do.	Tax Collect'r,	228 33	do.		
				\$36,271 37 1/2			

EXECUTIVE DEPARTMENT, }
Tallahassee, Feb. 11, 1841.

To the Legislative Council of Florida:

I herewith transmit to you a letter from the Auditor in relation to arrearages due to and from the Territorial Treasury.

ROBERT RAYMOND REID.

TREASURY DEPARTMENT,
Auditor's Office,
Tallahassee, February 9, 1841. }

To his Excellency

Robert Raymond Reid.

SIR:—On comparing debits and receipts with the Treasurer of the Territory, I find there on outstanding warrants against the Treasury, amounting to. (\$11,210 56,) eleven thousand two hundred and ten dollars fifty six cents.

My recent appointment does not allow me to give you such a statement of the condition of the office, as your Excellency or the Legislature have a right to expect.

You will however, discover how small a number of those appointed to the office of Auctioneers, have made their quarterly regular reports, and how large an amount of deficits remain unsettled from other sources.

I am not, at present, in possession of information necessary to inform you of the condition of the claims that are in progress of collection, or to insure in future, a prompt compliance with the laws by those commissioned with the collection of the Revenue.

The act of the last Legislature authorising the Treasurer to issue his Execution in sixty days after information is given him of the defalcation of an officer, and on option with the Auditor to employ additional counsel to aid the District Attorney in prosecuting claims with the right to criminal prosecution under particular circumstances, appears to the undersigned to be all that could be required to enforce a rigid compliance with their duties. How far this has had the desired effect, as yet I am unable to state. The fines, and forfeitures are a legitimate and would be a fruitful source of Revenue for the application of discharging the expense of prosecuting crimes by the Territory. It seems also to be greatly neglected, as but few reports of clerks of the Superior Courts of recent date, appears in this office, showing the condition of this important branch of finance.

Attention to the last mentioned subject, with the Auctioneers, and a zealous co-operation of the different officers of the Territory, in forcing the collection of arrears due to the Territory, should go far if not entirely discharge the liabilities of the Territory, without resorting to a permanent system of direct taxation.

Very respectfully,

Your obedient servant,

(Signed)

JOHN MILLER.

Auditor Public Accounts.

REPORT

OF THE

COMMITTEE ON CLAIMS.

The Special Committee, to whom was referred the petition of Benjamin G. Thornton, beg leave to

REPORT IN PART:

That in the year 1828, the petitioner entered into contract with John P. Duval, Esquire, Commissioner of the Tallahassee Fund, acting for and in behalf of the Territory, to erect a Capitol, by which the Petitioner undertook, for the sum of \$17,000, to erect and cover the building—which was designed to be a large one—and to furnish all the wood work, and other materials necessary for the purpose, except the brick, which formed the subject of a separate contract, and was to be furnished by another individual for \$6000. It appears from the evidence before your Committee, that the petitioner, Thornton, immediately proceeded to the execution of his part of the contract; and in the course of the year abovementioned, and that which followed, erected at great expense a very substantial saw mill, which had commenced successful operations, collected a large quantity of lumber, constructed a lime kiln, quarried an amount of lime stone sufficient to supply lime for the building, and hauled the wood necessary to burn it, purchased and maintained oxen, mules, wagons, &c., and employed the requisite number of workmen. During the whole portion of the time he was engaged in these operations, embracing a period of fifteen or eighteen months, the petitioner, although laboring under great embarrassments, created chiefly by the Territory failing to make adequate advances in money, never relaxed in his efforts to fulfil his part of the contract. It appears that, in the latter part of the year 1829, the Commissioner declined making fur-

ther advances, and the Legislative Council afterwards refused to progress with the work. Rejecting, as far as possible, the minor details of this controversy, your Committee proceed to observe, that the Petitioner instituted suit against the Territory, which was thrown out of Court, on the ground that the Territory was not liable to suit. That in a suit brought immediately after by the Territory against him, the jury, after a patient investigation, gave a verdict in favor of Thornton. Your Committee take leave to recommend this solemn verdict of a jury to the attention of the Council, as furnishing a type of all the subsequent decisions on this claim, made by men clothed with legal authority, and put upon their honor and their oaths, with, perhaps, a single exception.

It appears that the Petitioner then determined to seek redress in legislation, and throw himself on the justice and generosity of the Council. His appeal, accompanied no doubt by requisite testimony, seems to have produced a just impression in this body. In 1833, the Council passed an act, providing for the settlement of his claim, by reference to arbitrators. It appears that, Mr. Berthelot, chosen by the Petitioner, allowed all the charges of the Commissioner against the Petitioner, although these charges made as money advanced, really consisted in goods and not money, and deducting them from the whole amount stipulated to be paid by the Territory, awarded the balance—nearly \$13,000—to Mr. Thornton. Mr. Chandler, in his report, awarded nothing. In consequence of this disagreement, the decision devolved on Col. Randolph, the umpire, who awarded to the Petitioner one-half the amount allowed by Mr. Berthelot. Your Committee regret that the report of the umpire, drawn up, as they have been informed, in a masterly manner, and presenting a very clear view of the case, has been lost while in custody of the Territory: and they further regret that this award was not adopted by the Territory, and made the basis of a final settlement with the Petitioner, which would have been a good compromise to the Territory, and at that time have satisfied the Petitioner.

In short, it it appears to your Committee, that Benjamin G. Thornton, who at the date of the contract, gave fair promise, in his eminent skill and genius as a mechanic, in his habits of industry and sobriety, and in his enterprising spirit, of becoming one of the most useful citizens of Florida, has been grossly wronged and injured by acts of the Territory and its public servants, and reduced from the condition of that "prosperous mechanic," described in the important testimony of Gen. Duval, to want and penury. It is a fact of general notoriety, that his mansion, several lots owned in this city, some slaves, and a very complete set of tools, together with a large number of mules, the saw mill and workshop, kiln, limestone, wood, &c., were all sacrificed in consequence of the unfortunate interposition of the Territory—and that it is the solemn duty of the Council to render him such imperfect justice as is now in its power to afford.

It appears to your Committee :

1st. That the Territory—either from the want of funds, or rather

the waste of ample funds at its control—or caprice—or some other cause—committed a breach of contract, and is consequently liable to the Petitioner for the full amount of damages, according to the laws of the land;

2d. That the Petitioner, Thornton, was, at times, willing and anxious, to perform his part of the contract; and, for a period of 16 or 18 months, devoted himself with great zeal and fidelity to its performance;

3d. That the controversy between the Territory and the Petitioner has been decided in favor of Thornton, by that tribunal universally considered the most holy and incorruptible known to our free republican institutions—an impartial jury;

4th. That successive Legislative Councils have evinced a disposition to decide, or have actually decided, in the same manner;

5th. That arbitrators, created by the Legislative Council, and composed of competent and disinterested persons, have also decided in the same manner;

6th. That if the parties litigant had been private individuals, Thornton's claim to the full amount of the bonds would have been long since established by a Court of Justice.

In conclusion, your Committee are unanimously of opinion—an opinion which, at least with a majority, is a settled and solemn conviction, not to be changed or shaken,—that the claim of Benjamin G. Thornton is one of the clearest merits, and that he is entitled to the fullest relief the Council can afford. This conviction is founded on evidence already in the possession of the Committee; but they are led to believe that other corroborative testimony will be received in a few days, when they will make their final report. In the mean time, they beg leave to report the following bill:

AN ACT

For the Relief of Benjamin G. Thornton.

Be it enacted by the Legislative Council of the Territory of Florida, That Benjamin G. Thornton be allowed, out of the Tallahassee Fund the sum of _____, and that the same be paid to him forthwith, upon his executing a release in full to the Territory, of all claims and demands arising from his contract for building the Capitol.

DOCUMENTS

ACCOMPANYING THE REPORT OF THE
COMMITTEE ON CLAIMS,
 ON THE PETITION OF
BENJAMIN G. THORNTON.

STATEMENT OF BENJAMIN G. THORNTON.

After the suspension of the building of the Capitol, by reason of the default on the part of the commissioner in January, 1830; I gave him written notice of my readiness to proceed, and demanded a compliance with the contract on his part, which he failed to do, or respond to. (See Records of Board of Directors for the notice.) I then brought suit against the Commissioner; the Court decided that an action could not be sustained against him. The Commissioner sued me, upon the trial I recovered a verdict for costs.

The Legislative Council passed, referring my demands to arbitration, which was not acted on. (See Laws of '33, page 136.

The Council at its next session, passed a second law, still referring my demands to an arbitration. (See Laws of '34, page 106.

The arbitrators under this law, awarded in my favor, in Sept. 1835; and I now claim the amount of said award, with interest at 8 per cent, from the suspension of the work; in January, 1830, at which time due notice was given the Commissioner by me.

B. G. THORNTON.

TALLAHASSEE, 14th December, 1829.

GENTLEMEN:—Agreeably to your request, I hereby lay before you a statement of the progress I have made towards building the Capitol.

I have prepared a large quantity of timber for scantling, and sawed a part of it, also a quantity of the best, soft, yellow pine, for frames and cornice. I have erected a saw mill for the purpose of sawing all the timber for the Capitol, by which means all the scantling will be prepared, ready to go into the building, in a superior manner to getting it by hand. I have built a regular lime kiln, at great expense; quarried all my lime stone, and hauled it to the kiln, and commenced burning it. I have prepared the foundation for the building, ready to commence the laying of brick.

The preparations I have made, and the facilities thereby afforded me, which are on the spot; I think equivalent to nearly one half of my part of the contract. This course has been taken by me, with the advice of the commissioner with whom the contract was made, and perpetuated

by his successor, in which every facility was to be afforded me, according to the true spirit of the contract, which reserves to the commissioner the right to exercise his judgment in the advance of money; and, although, a large expenditure made by me, is not in the materials directly, yet it is direct to the accomplishment of the object, in a better manner.

Respectfully,

B. G. THORNTON. *Contractor.*

Col. ROBERT BUTLER, *Chm'n. of the Committee.*

P. S.—I would further observe, that I am ready to go on with the brick work as soon as the brick can be had.

B. G. T.

AN ACT for the relief of Benjamin G. Thornton.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Benjamin G. Thornton be allowed, out of the Tallahassee fund, the amount of principal of the award of Thomas P. Randolph in his favor, against the Territory, and entered thereon from the date thereof, at eight per cent, and that the same be paid to him forthwith, upon his executing a release in full to the Territory, of all claims and demands arising from his contract for the building the Capitol.

MARCH 29th, 1830.

As the securities of Mr. B. G. Thornton, for the fulfillment of his part of the contract, for raising the walls and covering in the Capitol.

We, as his securities, wish you to be informed, and to take notice, that although we have been advised and believe that we are released already by the failure on your part, and, nevertheless, if you conceive us to be responsible, as his securities, you will forthwith furnish the brick necessary, and of such quality as will be proper to put into the walls, and funds according to the contract, otherwise we shall hold ourselves as entirely released from such supposed liability.

Yours,

DAVID FLOYD,
G. W. WARD,
SAM'L. A. SPENCER.
WESLEY ADAMS,
JOSEPH MCBRIDE.

To THURGOOD B. BETTON, Esq., *Commissioner
of the City of Tallahassee.*

ARTICLES OF AGREEMENT

Made and entered into this fourteenth day of May, in the year of our Lord eighteen hundred and twenty-eight, between John P. Duval, Commissioner of the city of Tallahassee and of the Territory of Florida, of the one part, and Benjamin G. Thornton and Jesse H. Willis of the other part, all of the city and Territory aforesaid.

Whereas, by virtue of the act of the Legislative Council, entitled an

act to provide for the laying off the town of Tallahassee, and the sale of the lots thereof, and the several acts passed in amendment thereof, John P. Duval has been duly appointed sole Commissioner of the city of Tallahassee, and vested with full power and authority, and it being a part of his duty, in virtue of the aforesaid acts, to progress with the building of the Capitol by contract, according to the plan already adopted, or such other as might be adopted by the Council with some fit person most likely to secure to the Territory the ultimate completion of the work, according to the plan alluded to, and as the funds of the Territory appropriated to that object would otherwise, and the said John P. Duval, Commissioner as aforesaid, pursuant to the provisions of the aforesaid acts of the Council, on the twentieth day of January, eighteen hundred and twenty-eight, gave public notice in the Florida Advocate, a public newspaper printed at Tallahassee, that he would receive written proposals until the first Monday of April next, for the building and covering in of the Capitol according to the plan aforesaid: and, whereas, sundry proposals were received, and divers offers made, but of a character so vague and indefinite, that the said John P. Duval, Commissioner as aforesaid, deemed it essential to the interest of the Territory, and a faithful performance of the work according to the plan, to reject all the proposals thus made, and again to advertise and require of those disposed to contract for the work to be precise in describing the manner in which the work would be executed, and the kind of materials to be used, and so if practicable to insure a faithful performance of the contract on the part of the contractors; and also to ensure to the Territory the erection of such a building as was contemplated by the Legislative Council; and on the twelfth day of April, eighteen hundred and twenty-eight, the said John P. Duval, Commissioner as aforesaid, again gave public notice in the aforesaid public newspaper, that he would receive written proposals for the building of the walls and covering in the Capitol according to the plan aforesaid, until the twentieth day of April, eighteen hundred and twenty-eight, in which those persons wishing to contract were notified to describe the kind of materials to be used, and manner in which the work was intended to be executed, all of which will be more fully and at length appear by reference to the notices, and the several proposals remaining in the office of the aforesaid Commissioner. That pursuant to the last notice as aforesaid, sundry proposals were received, and amongst others that of Benjamin G. Thornton and Jesse H. Willis, marked estimate number two, and referred to and made a part of this contract, which proposal the said John P. Duval, Commissioner as aforesaid, did conceive the last, and most likely to insure a due and faithful performance of the work contemplated by the Legislative Council and of the materials best suited to the building, and accordingly the said John P. Duval, Commissioner as aforesaid, on the twenty-second day of April, eighteen hundred and twenty-eight, did agree to and accept the last proposal aforesaid of Benjamin G. Thornton and Jesse H. Willis, to build the walls and cover in the Capitol according to the aforesaid estimate, No. 2, at and for the sum of *twenty-three thousand three hundred and fifty dollars*. Therefore, this agreement witnesseth, that the said John P. Duval, Commissioner as aforesaid, for and in behalf of the Territory of Florida, and for and in consideration of the premises and covenants and the agreements of the said Thornton & Willis, herein after expressed, doth hereby covenant and agree to and with the said Thornton & Willis, and their heirs, executors, administrators and assigns, that he will pay them or their legal representatives, the aforesaid

sum of twenty-three thousand three hundred and fifty dollars, current money of the United States, in the manner following, that is to say:— The said Commissioner agrees to pay for the work as fast as it progresses or as materials are furnished, provided collections sufficient can be made of the monies appropriated exclusively to the building of the Capitol, and in no event is the Commissioner to pay a greater sum in advance than the value of the work done and materials furnished, nor a greater amount than is collected, unless he deems it fit and proper so to do. And so soon as the work is done and the building is completed according to the contract, then the said Commissioner agrees to pay over any and every sum or sums that may be due and unpaid, if so much may have been collected, and if not then so soon as said sum or sums may be collected. And the said Benjamin G. Thornton and Jesse H. Willis covenant and agree to and with the said John P. Duval, Commissioner as aforesaid, that they will forthwith proceed with the work and continue with all reasonable diligence, until the same is completed agreeable to the contract, and to the plan adopted by the Council, and to the estimate No. 2, hereinafter referred to, that is to say the walls to be the dimensions stated in the advertisement, that is of the present walls, except the partition walls which are to be four inches thicker, all hard brick, quoted and laid in the best manner, with pilasters, full capped and based with their entablatures of the Tuscan order, as per drawing number one, the doors to be circular heads with double pilasters, as per drawing number four, referred to and made a part of this contract. The window frames to be beveled and made in the best manner; to receive the inside work for double hing sash, made of two inch stuff, as per drawing number five, referred to and made a part of this contract. The first floor of joists to be three by twelve inches, and not more than sixteen inches from their centre apart. The second floor to be put in with truss-girders as per drawing number six, referred to and made a part of this contract, which are not to be less than eighteen inches deep, with double floor of joist framed in to face at top and bottom of girder, and not less than four girders over the representative hall with two plain girders over the lobies. The whole of the other floors are to be joists three by twelve inches, and not more than eighteen inches apart from their centre, laid on girders. The whole of the partitions are to be six inches thick, full trussed and tucked in posts and girders with straining beams, securely strapped, and bolted, the studs 3 by 6, trusses and posts from six by six to six by eight in proportion to their length as per drawing number seven, referred to, and made a part of this contract. The dome to be trussed with the upright strapped to their girders and straining beams, the whole is to be securely bolted as per drawing number eight referred to, and made a part of this contract. The wings and angles to be covered with riced roofs and gutters two feet wide between the walls, roof, angles and dome, and the whole to be covered with sixteen, or line fastened down with iron screws; it is understood that the pilasters and cornice are to be put on the old wing, in the same manner as the new part of the building; and it is further understood and agreed on, that in case the monies cannot be collected to pay for the work done and materials furnished, that the said Thornton & Willis shall not be bound to proceed with the work, until the money can be collected; and it is further expressly understood and agreed to, by the parties to this instrument, that one of the parties to wit: Jesse H. Willis is not bound after the completion of the brick work, that is to say, that so soon as all the brick necessary for the building shall be by him

delivered and the brick work shall be completed, then all obligations upon him cease and he is not further bound by this contract.

In testimony whereof the parties have hereunto set their hands and affixed their seals, the day and year first above written.

Agreed in the fourth line from top entered before execution.

B. G. THORNTON, L. S.

JESSE H. WILLIS, L. S.

JOHN P. DUVAL, L. S.

Commissioner of Tallahassee.

Test.

HORATIO P. VASS.

A true copy from the original on file in my office.

R. G. WELFORD,

Clerk Superior Court Leon County.

KNOW ALL MEN BY THESE PRESENTS, That we, Benjamin G. Thornton, Joseph McBride, George W. Ward, Davis Floyd, Samuel A. Spencer, and Wesley Adams, are held and firmly bound unto John P. Duval, Commissioner of Tallahassee, and his successors in office, in the penal sum of seventeen thousand dollars, lawful money of the United States, to the payment of which well and truly to be made to the said John P. Duval, Commissioner as aforesaid, or his successor in office, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated this 14th day of May, in the year of our Lord one thousand eight hundred and twenty-eight.

Whereas, the said Benjamin G. Thornton, together with Jesse H. Willis have entered into a contract, bearing even date herewith, to erect the walls and cover in the Capitol, reference thereto being had, will more fully appear; and the said Thornton & Willis having agreed between themselves that the said Willis is to furnish the brick, and the said Thornton is to find all the other materials, and execute the work, agreeably to the contract aforesaid, and the estimate No. 2, therein referred to. Now the condition of this obligation is such, that if the said B. G. Thornton shall commence, without delay, and progress with all reasonable expedition, and shall well and truly complete the work, aforesaid, in a good workmanlike manner, according to the tenor and effect of the aforesaid contract, and the estimate No. 2, therein referred to, then this obligation to be void, and of no effect, otherwise to remain in full force and virtue.

B. G. THORNTON, L. S.

JOSEPH MCBRIDE, L. S.

G. W. WARD, L. S.

DAVIS FLOYD, L. S.

SAM'L. A. SPENCER, L. S.

WESTLEY ADAMS, L. S.

Test.

Horatio P. Vass.

I, Thomas H. Duval, do certify that the above is a true copy of a bond filed in the Superior Court for Leon County, Middle District, Florida, (of which I am clerk,) in a suit of the Commissioner of Tallahassee against the said B. G. Thornton, and others.

Given under my hand and seal of said Court, this 6th day of February, 1838

THOS. H. DUVAL, Clk.

By J. W. D. Stone, D. Clk.

G

At a session of the Superior Court for the Middle District of Florida Leon county, continued and held at the city of Tallahassee, on Friday the 20th day of April, A. D. 1832.

Present the same Judge as on yesterday.

The Commissioner of Tallahassee, plaintiff,
against

Benjamin G. Thornton and others, defendants.

} In debt.

This day came the parties by their attorneys, and thereupon the jury sworn in this cause on Wednesday last, appeared in Court agreeable to their adjournment, and upon their oath returned the following verdict: "We the jury find for the defendants."

A true copy.

R. G. WELLFORD, Clerk.

Statement of the award of the arbitrators in the case of B. G. Thornton against the Commissioner of Tallahassee.

Mr. Berthelot, one of the arbitrators, award to Thornton the amount of his contract, deducting therefrom the amount paid him.

Mr. Randolph awards half the amount of Mr. Berthelot.

STATEMENT.

Amount of contract,	\$17,000 00
By amount paid,	4,034 30
This amount awarded by Berthelot,	\$12,965 70
And the half of that sum by Mr. Randolph makes	\$6,482 85

A Statement of evidence I wish to lay before the Committee in relation to my claim.

There is no Commissioner of Tallahassee, and the books of the Commissioner, and the books of the Board of Directors of the Tallahassee fund, are in the hands of Doctor English, subject to the order of the Governor.

I wish those books to be brought before you and Capt. J. P. Duval, and J. A. Berthelotte, to be summoned as necessary to a proper understanding of the case. The evidence taken by the arbitrators, and all other papers relative to the case, being gone from the office, and are not to be found.

B. G. THORNTON.

BENJAMIN G. THORNTON,			
1838 Account with the Commissioner of Tallahassee.			
June 1 st	to draft on Treasurer,	\$1000	
July 23,	do.	25 40	
30,	do.	400	
Oct. 10,	do.	150—	\$1575 40
Above amount paid by J. P. Duval.			
December 1,	draft on Treasurer,	243	
1829.	Cash.	207	
February 24,	to draft on Treasurer,	50 00	
May 23,	do.	300 00	
April 13,	do. for Wm. Hall,	150 00	
June 8,	do. " Jas. J. McMullin,	260 00	
July 20,	do. " Thos. Brown,	120 00	
"	do. " on Treasurer,	257 71	
"	do. " John P. Duval,	38 02	
Sept. 1,	do. " D. B. Douglass,	150 00	
"	do. " J. H. Willis,	59 17	
October 6,	do. " Betton & Emmory,	300 00	
do.	do. " Cash,	100 00	
1830.			
January 1,	do. " draft persect. Floyd,	200	
April 1,	do. " J. W. Levinus,	30	\$2,458 90
			\$4,034 30

NOTE.—\$4034 received chiefly in Merchandize and Groceries.

TESTIMONY OF GEN. DUVAL.

B. G. Thornton's Case.

John P. Duval appeared before the Committee, and was duly sworn. He deposed and said, that being Commissioner of the Tallahassee fund in 1828, and authorised by act of the Legislative Council, to contract for building the Capitol, he did contract with Jesse H. Willis and Benjamin G. Thornton, to erect and cover the building for which they were to receive the sum of \$23,000, or thereabouts; not a joint contract, but separate; Willis to furnish the brick and receive \$6,000; Thornton to furnish lumber, lime, &c., and erect the building for 17,000. Witness believed he had made a great bargain for the Territory, the building was designed to be nearly or quite as large as that now being erected, designed to be a splendid structure. Thornton gave witness a complete drawing; from witness's knowledge of architectural design, is able to say it was an admirable drawing. Thornton manifested a perfectly honest disposition, detailing things very precisely to the Commissioner, making every requisite explanation; witness made the contract with Thornton, partly on the ground of his being, at that time, in prosperous circumstances, and was esteemed one of the first architects in Washington. Thornton soon commenced the execution of his contract, erected a mill for sawing lumber, which witness saw working well, and quarried stone and constructed a lime kiln; wit-

ness sanctioned all these measures, considering them useful preparations to complete the contract in the best manner. Timber rotted in consequence of the Commissioner and Council refusing to furnish money; it was an entire loss to Thornton. He believes Thornton received but little money; what he did receive was chiefly of witness, while he acted as Commissioner; he believes his successor paid Thornton chiefly in goods out of his store. Witness resigned his office of commissioner, and became attorney for the commissioner. While he acted as Attorney, there was more than \$23,000 due the Territory, out of the Tallahassee fund; which witness could have collected, and, as attorney offered to collect, but the commissioner Mr. Betton, directed him not to make the money; about that time, there was a party here, hostile to the completion of the Capitol. Witness went away in '31; had he continued to be commissioner, he believes, Thornton would have completed the Capitol according to contract. The successor of witness at first encouraged Thornton to proceed. Witness believes that Thornton sustained a great sacrifice of property in consequence of the refusal of the Territory, to proceed in the fulfilment of its part of the contract. Thornton always evinced a disposition to proceed with the contract and complete the Capitol: deponent believes that when the attempt was made to arrest the progress of the Capitol, the late Maj. Chaires, made an offer to take the contract himself; to become responsible for its fulfilment, and to finish the Capitol. The deponent first heard this from Jesse H. Willis who was very intimate with Mr. Chaires, the assertion has been often since, repeated in his presence, and he has never heard it denied.

JOHN P. DUVAL.

Feb. 8, 1841.

CASE OF BENJAMIN G. THORNTON.

FEB. 6, 1841.

This day appeared before the Committee, Richard Sheffer, who being duly sworn, said that after Mr. Spencer left the service of Mr. Thornton, he, Sheffer, had charge of the hands; that the stone quarried and ready for the kiln, was sufficient, as he believes, for all the purposes of the contract: a large quantity of wood was transported to the kiln, sufficient to burn all the lime. Thornton erected and set in motion a large mill near Washington Square, and collected a large number of stocks, or logs, for sawing lumber, when all further proceedings at length ceased by order, as the deponent believes, of the Territorial authorities.

Witness says Thornton was very active and pressing in pushing his operations forward, and appeared to be, while witness remained in his service, anxious and ambitious to complete the Capitol.

RICHARD SHEFFER.

Territory of Florida,
Leon County.

} Petition of Benjamin G. Thornton.

Personally appeared before me, a Justice of the Peace, in and for said County, Samuel A. Spencer of the County aforesaid, who being duly sworn, deposeth and saith :

That he has been acquainted with the petitioner, Benjamin G. Thornton, since the latter part of the year 1827, that in the year 1828, deponent, together with Messrs. Floyd, McBride, Adams and Ward, became security for the performance of a contract entered into by the petitioner for building the Capitol, to a certain extent; that petitioner, as deponent understood, undertook to erect the building and furnish every thing necessary for that purpose, except the brick, and that he was to receive for the same the sum of seventeen thousand dollars; that the petitioner, soon after signing the bonds, proceeded to the execution of the work he had undertaken; that he hired a number of hands—deponent thinks, including both black and white, from 20 to 25—a portion of them carpenters, one blacksmith and striker; he erected a blacksmith's shop, and had also a carpenter's shop on the same lot, and erected a large building for sawing lumber. The deponent, (who was at that time engaged by the petitioner to assist him in building the Capitol,) quarried a large quantity of rock for making lime, and had it carted from the quarry, but being compelled by circumstances at that stage of operations to withdraw from his engagements, has no personal knowledge that the petitioner burned and prepared any lime. Deponent also superintended and directed the laborers engaged in cutting, hewing, and hauling lumber to the mill in Tallahassee; a considerable quantity was collected, enough to build the saw-mill—the frame of which, as well as the carpenters' work shop, still remain in the place where they were erected, and a number of hewn logs or sticks—say 200—capable of making ——— of planks, designed, as deponent believes, to be sawed into materials for the use of the Capitol. Deponent says that the petitioner, Mr. Thornton, displayed great industry and energy in the prosecution of the business; he seemed to be resolutely determined and devoted to the completion of the Capitol and the honorable fulfilment of his contract, as any man could possibly be; deponent can truly aver that his soul appeared to be engaged in and almost wholly devoted to this object; it was the subject continually uppermost in his thoughts, and predominant in his conversation. To the completion of the Capitol he looked with obvious pride and triumph. Every thing done or directed in this matter was plainly intended to accomplish that end; and to the accomplishment of that end, it was generally believed by Mr. Thornton's friends, that the mill, the lime kiln, the horses, mules, wagons and carts, purchased by him, were useful means; and the deponent is under the strongest persuasion that Messrs. Betton & Duval, the Commissioners on the part of the Territory, approved these measures and sanctioned them. Deponent remained five or six months as the superintendent of what may be called the out-door business, and during all that time, the hands, and mules, and oxen were all actively engaged at the expense of the petitioner. After deponent left Mr. Thornton, he occasionally visited Tallahassee, and found that the zeal of the petitioner in the prosecution of the great public contract he had undertaken, was not in the slightest degree abated. The friends of Thornton believed that building the mill and other preparatory measures, were, in the then circumstances of the country, judicious, dictated by sound judgment and would serve

to economize the expenditures, and hasten the completion of the Capitol.

The deponent further says that he knows that a large proportion of the payments made by the Commissioner to Mr. Thornton, was not made in money, but in groceries and other articles from his store in Tallahassee, and as he presumes, at the retail prices of that day.

SAMUEL A. SPENCER.

Sworn and subscribed to before

me, this 3d day of Feb. 1841.

GEO. E. DENNIS, J. P.

TERRITORY OF FLORIDA, } In the case of the petition of Benjamin G.
County of Leon. } Thornton.

Personally appeared before me this day, David M. Sheffield, who being duly sworn, deposes and saith:

That being one day in casual conversation with Turbutt R. Betton, Esq., during the time he acted as Commissioner of the Tallahassee Fund, he, the said Commissioner, remarked that the office had been a matter of considerable convenience to him, for had it not been for that he would not have been able to make his remittances, implying, as this deponent then understood, and does yet believe, that he used the funds as exchanges or remittances.

Deponent further saith that he has often seen the lime kiln built by Mr. Thornton; large quantities of lime stone and wood at the kiln;—but knows very little about burning the lime; recollects to have seen one kiln burnt. Deponent understood that these were all preparations for building the Capitol.

D. M. SHEFFIELD.

Sworn to before me, this 3d of Feb. 1841.

Given under my hand and seal, the day
and year before mentioned.

E. R. GIBSON, J. P. Leon County.

HOUSE OF REPRESENTATIVES.

January 26. 1841.

The enclosed petition was referred to a Select Committee, consisting of Messrs. Duval, McKinnon, Thiggin, Priest and Steele.

Attest.

JAMES H. GIBSON,

Clerk House of Representatives.

To the Honorable the Governor and members of the Legislative Council of the Territory of Florida.

The petition of Benjamin G. Thornton respectfully sheweth—that in the year 1828, he entered into an engagement with the Territory of Florida through their Commissioner John P. Duval, for erecting a Capitol, as will appear by certain articles concluded by and between said Commissioner of the one part, and Jesse H. Willis and your petitioner of the other part, by which it will be seen that said Willis was to furnish the brick, and your petitioner was to construct the walls and cover in the building. Your petitioner after entering into said contract, immediately made his preparations in good faith, with a view to its fulfilment, in the shortest period, and in the best manner. With the advice

of the Commissioner and acting under the exercise of his best judgment, he erected a Saw Mill for the cutting of his lumber at suitable lengths, which was in active operation; he constructed a lime kiln, and was prepared with lime for the purpose—had hauled his timber for the building—had purchased Oxen, Mules, Wagons and other things requisite in such an undertaking, and had his workmen engaged, and ready to progress with it. Your petitioner was employed for nearly two years actively, and with the greatest diligence, neglecting all other business and engagements, and directing himself his time and talents to this alone. The preparations thus made from the high price of every thing in this country, involved a very heavy expenditure. Your petitioner is unable

at this time to present an accurate account, but from loose memoranda in his possession, he makes it amount to the sum of _____, as will appear by an account filed herewith, and prayed to be taken as part thereof.

Your Honorable body will perceive that the erection of the building and covering the Capitol—the materials having been prepared for that purpose, was but a slight matter in comparison and might and would have been accomplished in a few months, and your petitioner regarded the undertaking as almost completed, and was looking with intense anxiety to a termination of his labors for the reward of his great exertions. These anticipations were destroyed, to the great distress of your petitioner, by the avowal of the Commissioner that the funds were exhausted, and afterwards by a refusal of the Council to progress with the work. He believes the fact to be, that having erred in contracting for a building, the mere erection and covering in of which alone was to cost \$24,000; a building in size, far surpassing any probable wants of the Territory, or even of a contemplated State—the Council were anxious to be relieved from it. Suits were accordingly commenced by the Territory, against your petitioner, and his securities in their bond; which, after a long and painful suspense, was decided in his favor. The consequence of these proceedings was most ruinous to your petitioner—all the funds he received from the Commissioner were exhausted upon the work—his large materials accumulated, at such vast expense and with infinite labor, were thrown upon his hands as almost useless, his preparations in other respects of Horses, Mules, &c. &c. were also left upon his hands—his workmen were left with their wages unpaid, and were clamorous—the credit of your petitioner already strained to the utmost, in the endeavor to fulfil his contract, was now prostrated—his creditors alarmed—pressed in every direction—commencing their suits, and his entire property, even his tools were sold under execution.

Your petitioner though suffering under the weight of these hardships, thus pressing upon him with a severity unknown to any but himself, and not easily conceived, has ever had an abiding confidence in the sense of justice and right of his countrymen, he accordingly made application at various times for relief. To his application in 1833, the Council passed a law appointing arbitrators to decide the question as will appear by their act of 1834. Under this law James A. Berthlot and Edward Chandler, Esqrs., were selected as arbitrators, but they differing in opinion the matter was referred to Thomas P. Randolph, Esq. as umpire, who gave it as his opinion that your petitioner was entitled to the sum of six thousand four hundred and eighty-five dollars. Although your petitioner regarded this sum as an inadequate allowance for his heavy losses and expenditures, the value of his services for so long a time and his injuries since, still he was disposed to abide by the umpirage, having submitted to the arbitration in good faith. By the law however of the Council, the decision of the arbitrators was much to the disadvantage

of your petitioner, made again subject to the approbation of the Auditor who refused to abide by the decision of the umpire, and the matter remains in this position.

Your petitioner therefore, prays that your honorable body will pass a law, either in confirmation of said award of the said Randolph, to be paid him, with interest, or that they will give him such compensation for his losses, damages and injuries, as under the circumstances, he may be reasonably found entitled to. And your petitioner will ever pray, &c.

B. G. THORNTON.

AN ACT for the relief of Benjamin G. Thornton.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Benjamin G. Thornton, be allowed out of the Tallahassee fund, the sum of six thousand four hundred and eighty five dollars, the amount of principal of the award, of Thomas R. Randolph, in his favor, against the Territory, and, likewise, interest thereon, from the date thereof, at eight per cent; and that the same be paid to him forthwith, upon his executing a release in full, to the Territory, of all claims and demands, arising from his contract for the building of the Capitol.

Sec. 2. Be it further enacted, That this law shall be in full force from, and immediately after its passage.

This Bill passed the House in 1839—not acted on in Senate.

KNOW ALL MEN BY THESE PRESENTS, That we, Jesse H. Willis, and Benjamin Chaires, are held, and firmly bound, unto John P. Duval, Commissioner, of the City of Tallahassee, and his successor in office, in the penal sum of six thousand three hundred and fifty dollars lawful money, of the United States to the payment of which well and truly to be made to the said John P. Duval, commissioner as aforesaid, or his successor in office; we bind ourselves, our heirs, executors and administrators, jointly, and severally, firmly, by these presents, sealed with our seals and dated this fourteenth day of May, in the year of our Lord one thousand eight hundred twenty eight.

WHEREAS, The said Jesse H. Willis, together with Benj. G. Thornton, have entered into a contract, bearing even date herewith, to erect the walls and cover in the Capitol, reference thereto being had, will more fully appear, and the said Willis and Thornton, having agreed amongst themselves, that the said Willis is to furnish the brick only; and the said Thornton is to find all the other materials, and execute the work, agreeably to the contract aforesaid, and estimate No. 2; wherein referred to now, the condition of this obligation is such that if the said Jesse H. Willis, shall commence without delay, and furnish with all reasonable despatch, the quality of brick required for said Capitol, according to the plan adopted by said Commissioner, in estimate No. 2, then this obligation to be void, and of no effect, otherwise, to stand in full force and virtue in law.

Witness,

HORATIO P. VASS

JESSE H. WILLIS, L. S.
BEN. CHAIRES, L. S.

A true copy from the original on file in my office,

R. G. WELLFORD, Clk. Sup. Ct. Leon Co.

PETITION OF BENJAMIN G. THORNTON.

This day appeared before the Special Committee to whom was referred the claim of B. G. Thornton, Jas. A. Berthelot, Esq., who deposed and said, that the claim of said Benjamin G. Thornton having been, by an act of the Legislative Council, approved February 17, 1834, submitted to the decision of arbitrators, and the said J. A. Berthelot having been chosen by Mr. Thornton one of the arbitrators, and Edward Ohandler another on the part of the Territory, they proceeded to investigate the claim, and make their several reports: that deponent, after devoting much time to the subject, upon full and mature deliberation, awarded to Thornton the whole amount of the contract, after deducting the sums paid him, which award, made by deponent, amounted to about \$12,790.

That Mr. Chandler awarded him nothing; that in consequence of the disagreement of the arbitrators, Thomas P. Randolph was chosen umpire, who allowed and awarded to the said Thornton one half of the above sum, to wit, the sum of \$6485.

JAMES A. BERTHELOT.

Sworn before me.

E. R. GIBSON, J. P.

QUINCY, Feb. 10, 1841.

Dear Sir: Your letter has been duly received, and I should have been in Tallahassee two weeks since, but for indisposition, and bad weather. In Sept. I was confined with bilious fever, and until the three or four weeks past, have been unable to walk to the public part of the village, and now have fever and pain in the head every other day, which, though it does not confine me all the day, renders me unfit for the transaction of any business.

You state in your last letter that the Committee are anxious to have my testimony. I have given it once in a written report, and twice before Committees, who have taken it down; perhaps among some of the papers it may be found. If, however, my health and the weather will permit, (before the adjournment of the Council,) I will come to Tallahassee and cheerfully state before the Committee all that I can recollect at this distant period respecting the case at issue.

Respectfully yours,

THOS. P. RANDOLPH.

B. G. THORNTON, Tallahassee.

H

MEMORIAL

OF THE

UNION BANK OF FLORIDA.

To the Senate and House of Representatives of the Territory of Florida;

- The Memorial of the President and Directors of the Union Bank of Florida, respectfully represents :

That, by the unanimous resolution of their stockholders, at their last annual meeting, they are instructed to ask of the Legislative Council, a repeal of the 34th section of the charter of the Bank, which forbids a sale "at a discount" of the bonds of the Territory, upon which the capital of the Bank is founded.

The motives which prompted the restriction may be found in the circumstances under which the charter was granted.

- Of these circumstances, two only need be adverted to here, because they were most prominent and influential.

1. Uncertainty as to the adequacy of the security which was to be given by the stockholders for the protection of the Territory.

2. A pervading disbelief of the possibility of selling Territorial Bonds at any reasonable price.

The Territory was to be secured by mortgages of property which had not then been appraised; and which, it was feared, might be estimated at rates which would not indemnify against a default of the Bank to pay the interest and principal of the bonds. The result proved this fear to be groundless.

As evidence of the disbelief of the possibility of selling the bonds, it is only necessary to recur to two or three facts.

1. The very tardy subscription of the first million of the capital of the Bank, which was not completed for eighteen months; and then only after a contract had been made for the sale of the bonds.

2. The refusal of the stockholders to advance the money, necessary to defray the expenses of the agent appointed to sell the bonds; because of a belief that the effort would be abortive, and the money thrown away.

3. The universal, as well as extravagant joy expressed throughout the Territory, at the success of the agent, who effected the sale.

Those prevalent doubts of which the Legislative Council largely partook, account for a restriction upon the sale of the bonds, nowhere to be discovered in the Louisiana Bank charters, from which that of the Union Bank was copied, nor in the subsequent charters of other Banks in the Territory, for whose capitals its faith is pledged.

Such, however, was the credit of all American stocks, both at home and abroad, at the time they were offered in the New York market, that the restriction in the charter interposed no obstacle to the sale of the Territorial Bonds. The bank, therefore, went into successful operation; and so continued until the universal suspension of specie payments in 1837.

In the ensuing year, the Capital of the Bank was filled up by the subscription of two millions of dollars; and bonds of the Territory, of corresponding amount, were received by it, to be sold.

Of these, the agent of the Bank sold 1296 bonds, of one thousand dollars each, at prices which netted to the Bank a premium. But the sale of the remaining 704 bonds was arrested by the apprehension of hostilities between the United States and Great Britain, on account of the disputed North-eastern boundary.

The same cause arrested the sale of all American Stocks in Europe; and before the fear of foreign hostilities had subsided, the disastrous progress of the Indian war within the Territory, combined with a renewed suspension of specie payments by all the Banks south of the Hudson, rendered abortive every effort to sell the remaining Territorial bonds. It is needless to add, that still greater difficulties were superadded, by the action of the last House of Representatives.

But the time has arrived when a sale of the remaining 704 bonds is imperiously demanded by the best interests of the Territory.

The country is laboring under great and complicated pecuniary embarrassments; the causes whereof being misunder-

stood, have occasioned remedies to be proposed, which are unsuited to the object, and must aggravate the evil.

The public mind has been impressed with a belief that the existing evils are all attributable to the Banks; who, by an imprudent extension of discounts have made over issues of Bank paper. Hence; every remedy proposed has for its object, to compel the Banks to reduce their circulation.

The evils complained of are

1. Extravagant rates demanded for northern exchange.
2. An alledged depreciation in the value of our Bank currency.
3. And at same time an acknowledged and distressing scarcity of that very currency.

This last admitted fact should induce a doubt, whether the public mind has not mistaken the true cause of our embarrassments. And that doubt must be strengthened, by two other undeniable facts, to wit: That the Bank circulation of the Territory is less, by one half, than it was, before the suspension of specie payments: and that the circulation of *this* Bank is much less in amount than will be due and payable to it, in the course of the year, for interest alone upon its discounts.

Surely these facts ought to disabuse the public mind.

The true cause of the high rate of Northern exchange, is *the northern indebtedness of the Territory*; an indebtedness exceeding the value of her exports. And if, by curtailments, the Bank could have withdrawn every dollar of its notes from circulation, the measure would neither have paid one dollar of northern debt; nor have reduced the rate of northern exchange one per cent.; although it would have ruined many, and have added to the embarrassments of the country, by depriving it of its chief currency.

The obnoxious remedy for the derangement of inland exchanges, as well as for most of the other evils endured by our community, is the payment of the northern debt. And the obvious means of paying a large amount of it, is a sale of the 704 Territorial bonds, held by the Bank. Without such sale, the Bank and the community must continue to suffer.

The only other remedy to which the Bank can have recourse is the curtailment of its discounts; a remedy which it has already applied to the extent of its power, unaided by the coercion of the courts of law. To *that* coercion it may be driven. The credit of the Territory *must* be sustained, by the punctual payment of the interest of the Territorial bonds. The Bank *must* comply with its engagements, no matter at what cost. And if the means of sustaining that credit, and of meeting these engagements are to be supplied by curtailments, through the instrumentality of judgments at law, and the enforcement of exe-

cutions, it needs no spirit of prophecy to foretell the ruin of individuals, and the prostration of every interest in our community.

These consequences can be averted only by giving to the Bank the use of that portion of its Capital which now lies dormant in the 704 unsold bonds of the Territory; and which will continue dormant unless the restriction in the 34th section of the charter shall be removed.

A sale of those bonds at the greatest probable discount cannot involve the Territory in any loss; because the present surplus profit of the Bank, exceeds any possible loss upon the sale. The capital of the Bank, therefore, will remain unimpaired; and constitute of itself, a complete protection to the Territory; while she has the further security of property, worth five millions of dollars, mortgaged for three millions only. No rational man, then, can believe, that by the repeal of the 34th section of the charter, the Territory will hazard any thing.

Whatever loss may attend the sale at a discount, will fall upon the stockholders of the Bank; to whom and their agents, the directors, the right to sell at a discount, may be safely confided, since motives of private interest, as well as of public duty, will prevent any improper and unnecessary sacrifice.

The immediate effect of a sale of the bonds would be the payment of so much of the Northern debt of the Territory, and a corresponding reduction of the liabilities of the Bank; so that with the aid of another crop, the community would be relieved from all the evils attendant upon a high rate of exchange, and upon a depreciated currency, whether that depreciation be real or imaginary; and without having caused the ruin of an individual; and even without any severe pressure upon its debtors, the Bank would be enabled to resume specie payments.

Surely such considerations ought to commend the measure to the favorable regard of the representatives of the people.

In public calamities, resulting from war; from revulsions in commerce; and from unfruitful seasons, governments have interposed for the protection or relief of their people. The government of Great Britain, much less popular in its form than that of republican America, has been known to aid its merchants under serious pecuniary difficulties, by loans from the National Treasury; and we have recently seen the Governor of an adjoining State, recommend to the Legislature to lend to their people, millions of dollars of State bonds, to assist them in paying the curtailments required to enable their banks to resume specie payments.

Great public calamities, resulting from a savage war, from re-

In this state of things the Committee are of opinion the Commissioner acted properly in engaging some other individual to fulfil Mr. Ledwith's contract. It was necessary that some steps should be taken by the Commissioner to prevent a long delay in the progress of the building. The mason could not be stopped in his work until a court of justice should decide by whom the contract had been violated. The Committee are of opinion that Mr. Ledwith should have proceeded to get the lintels and window frames as the first part of the work; he had expressly engaged to furnish these so as not to delay the mason. The building could not have progressed without them. They do not think it was proper for him to get materials for other parts of the building, for instance for the second and third stories and roof, and to exact pay for these, neglecting the basement and parts below. If so, then pay for the wood work of the whole building might be demanded and obtained before the building could be raised beyond the foundation.

They understand the true construction and intent of the contract to be that "Mr. Ledwith was to furnish the materials specified in the agreement as they might be needed by the mason in the progress of his work."

They do not understand the materials mentioned in the contract to mean raw materials, such as plank, but materials *fit for use* in carrying on the building. The damages sustained by Mr. Ledwith, if any, are then chargeable to himself, as being produced by his own acts. The Committee, however, anxious to do justice to the petitioner, have endeavored to consider the subject liberally, without reference to the legal rights of the parties. If in any spirit of equity, the petitioner has sustained a bona fide damage, although caused by his own misconstruction of the contract, they are willing to allow him a remuneration.

It appears that Mr. Ledwith had purchased a large quantity of lumber, for which the commissioner was unable to pay him. This inability on the part of the commissioner was construed by Mr. Ledwith into a violation of the contract. Supposing the contract violated he refused to proceed and furnish the window frames, &c. when called for by the mason.

The commissioner therefore engaged another to furnish the materials. Mr. Ledwith is left with this large quantity of lumber on hand which he alleges he was compelled to sell at a sacrifice. This sacrifice or loss amounting as near as the committee can ascertain to about \$379, they are of opinion should be allowed him. Also \$60 for shop rent. It appears that the petitioner has paid Messrs. Thompson & Hagner \$200 for legal advice. This item the committee are of opinion should also be allowed.

Beyond these three items the committee cannot see wherein any bona fide loss has been sustained.

GAB'L. PRIEST, Chairman.

Be it resolved by the Governor and Legislative Council, That Michael Ledwith be allowed out of the Tallahassee Fund the sum of six hundred and twenty-nine dollars, to be paid after Mr. Ledwith has executed a release in full to the Territory of all claims and demands, arising from his contract with the commissioner to perform certain work on the Capitol: provided, however that the commissioner shall not be required to pay this claim whilst it will in any way interfere with the progress or completion of the Capitol.

ARTICLES OF AGREEMENT

Between MICHAEL LEDWITH, of Tallahassee, Florida, of the one part, and C. G. ENGLISH, Commissioner of the city of Tallahassee, in behalf of the Territory of Florida, (pursuant to an act of the Legislative Council, entitled "An act to provide for building a Capitol, and for other purposes," approved March 4th, 1839,) of the other part.

The said Ledwith, for the consideration hereinafter mentioned, doth hereby for himself, his heirs, executors and administrators, covenant, contract and agree to and with the said commissioner and his successors in office, to furnish the materials and execute the work on the Capitol of the Territory, mentioned in the following specifications, and agreeably to the accompanying plans and elevations, which plans and elevations are hereby agreed upon as constituting part of the present articles.

All the lintels, window frames, and sash for the building, for

twenty-six windows in the basement story, each of sixteen lights of twelve by eighteen inch glass, and for fifty-four windows in the other story, each of twenty-four lights of twelve by twenty inch glass. All the windows to be double hung with weights and pulleys. The outside hanging stiles of the frames to be set four inches back from the face of the wall, to shew a face of three inches, and to be one and five eighths of an inch thick. The bottom rails of the sash to be four inches wide; the top rails and the stiles to be each two and a half inches wide; the meeting rails to be one and three eighths of an inch wide; the muntens to be doweled; the sash to be one and five eighths of an inch thick. The window frames and sash to be of heart timber, and the lintels of heart yellow pine.

The floors of the two upper stories and of the porticos—the boards to be yellow heart pine, free from knots, one and a quarter inch thick, about five and a half inches wide, and to be secret nailed to rest, (except the two large passages in the middle of the building,) on joists three inches thick, twelve inches deep, and sixteen inches from centre to centre. The joists in the two middle passages to be three inches thick, fourteen inches deep, and sixteen inches from centre to centre, and to be strengthened by three rows of bridging. The joists to be of yellow pine, to shew heart on two sides and two edges, their whole length; to be of uniform depth, and to have their under edges on a level.

The entire entablature and pediments of the porticos to be of wood, and to be constructed with a good and sufficient frame to sustain the roofs of the porticos.

All the projecting cornice of the body of the building, which must run entirely around the building, and be continued up the gables to lay pediments. This cornice to be of wood, and to contain the eave-gutters.

The wall plates to be of the width of the top of the wall, to be three inches thick, and to be of heart yellow pine.

The entire roof of the building and porticos, both frame and covering. The framing to be principal, with two queen posts, strongly trussed. The principal rafters not to exceed ten feet from centre to centre—the common rafters two feet. The girders to be strengthened by three rows of timber crosswise. The timbers for the frame to be heart yellow pine. The covering of the roof to be slate, and the valleys and the gutters behind the chimneys to be lined with lead or copper, of sufficient width to prevent leakage. The covering to be of copper seven inches wide, to be constructed in the cornice. Eight conductors of copper, each four inches in diameter.

The said Ledwith doth hereby bind himself, his heirs, execu-

tors, and administrators, faithfully to execute the work above specified, and in accordance with the accompanying plans and elevations, in a neat, substantial, and the best workmanlike manner, with materials of the best quality, and to have the window frames, lintels, and timbers for the floor ready by such time as to prevent any occasion for delay in the execution of the masonry, and to have the whole work completed by the fifteenth day of November, eighteen hundred and forty.

And in consideration of the premises, the said commissioner doth hereby bind himself and his successors in office, to pay to the said Ledwith, his heirs, executors and administrators, the sum of thirteen thousand nine hundred and eighty seven dollars, to be paid as follows : The value of the materials to be advanced as they are delivered on the ground, the residue upon the completion of the work.

And the said Ledwith doth further agree that he will execute any change which may be made in plan of said building, by said commissioner, a reasonable allowance being made, whether of increase or diminution of price, according as such change may occasion, increase or diminution of labor or materials for its execution.

It is further the understanding and agreement of the parties, that the payments for materials delivered, are not to be in less amounts than three hundred dollars.

In witness whereof, the said parties to this agreement have hereto set their hands, and affixed their seals at Tallahassee, on the fourteenth day of November, eighteen hundred and thirty-nine.

MICHAEL LEDWITH.
C. G. ENGLISH.

In presence of Chas. C. Hall.

THE
REPORT
OF THE
PRESIDENT AND DIRECTORS
OF THE
UNION BANK OF FLORIDA,
To their Stockholders Assembled in Annual Meeting.



Since the last meeting of the Stockholders, the President and Directors have had to perform a task alike delicate and difficult.

The Stockholders had scarcely adjourned, when a scrutiny into the affairs of the Bank was instituted, by a Committee of the House of Representatives, not only without the concurrence, but after declining the co-operation of the Senate.

In prescribing the manner of conducting such a scrutiny, the charter of the Bank provides in section 18.

“That the Board of Directors shall keep one or more books, in which shall be entered their rules, regulations, ordinances, and proceedings; which book shall at all times, be open for the inspection of any committee appointed for the purpose, by the Legislature; and such committee shall have access to all books containing the general accounts of the Bank, so as to ascertain the amount of cash on hand—the amount of notes in circulation—the balance due to and from other banks, the amount of deposits—the amount of bills, notes, or bonds discounted, and all the other affairs of the said bank, so as to know its true situation, and to be enabled to make a true report thereof to the Legislature. *Provided*, That said committee shall not have a right to examine the individual accounts of the customers of the bank.”

Your Board believed that a committee authorised to examine into the condition of the Bank, should have been appointed by both branches of the Legislative Council, since neither house, singly, constitutes the “Legislature.” But having nothing to conceal, which the Board had a right to disclose; and courting, rather than avoiding scrutiny, all the enquiries of the committee were met with alacrity and willingness, except such as related

to the "private accounts of the customers of the bank," which the charter had forbid them to publish.

In the progress of the investigation, there was manifested, as the subsequent report of the committee clearly demonstrated, a decided hostility to the Bank, and a predetermination to condemn it.

The most innocent, nay the most commendable transactions of the bank, with its stockholders and others, were construed into mismanagement, favoritism, or fraud; and while the report wound up with an equivocal acquittal of intentional wrong on the part of the Directors, its whole tenor, contradicting its conclusion, was calculated to leave on the public mind, the most unfavorable impressions with regard to their integrity, as well, as their capacity. Such constructions were put upon the legal effect of the charter, as to bring in question, not only the conduct of the directors, but the existence of the bank itself, and the faith of the Territory.

The Board of Directors felt it to be an imperative duty to correct the misstatements, and meet the arguments of the two committees of the House of Representatives; and did so, in a reply, the appearance of which was long delayed, by the state of the press, intrusted with its publication.

In the *interim*, as was foreseen by the directors, and must have been anticipated by the authors of the two injurious reports, the credit, and charter, as well of the Territory, as of the Bank, suffered materially at home and abroad; extinguishing for the present, all hope of effecting a sale of the \$704,000 of Territorial bonds which had been left in London.

Had the conduct of the directors even merited their unjust censures, it would not have justified the House of Representatives in a course productive of great, public and private injury, without the alleviation of one public good.

As a Florida institution, in whose failure, or success, are involved the fortunes of a large number of her citizens, the bank ought to have received *help*, and not *harm*, from the Representatives of the people.

In its inception, and during various stages of its being, the bank had received the sanction of seven successive Legislative Councils, as well as of the judicial tribunals of the country. This consideration alone, should have restrained the House of Representatives from denouncing the legality of the acts of their predecessors.

The confidence of the Stockholders, who had mortgaged their estates; of the strangers abroad, who had supplied its cap-

pital; and of the people of Florida, who had given credit to its paper, was based upon a reliance on the justice, good faith, and sound policy of the Territorial Government. All those principles were violated by the House of Representatives, in its extreme anxiety to destroy the banks.

The Territory was suffering in consequence of a supposed depreciation of its currency; the depreciation was attributed to a redundant bank circulation; the odium naturally fell upon the banks, and it was thought that their destruction, would prove a popular remedy.

If a redundant circulation had been the cause of the evil, the remedy would have been obvious, and easy. The cure would have been certainly and speedily effected by a curtailment of discounts.

The true cause of the evil, however, is the foreign indebtedness of the Territory; an indebtedness which, in amount, has greatly exceeded the value of the exports of the country: in other words, an unfavorable balance of trade. In the creation of this indebtedness, the banks have had no agency. It has been the act of the merchants and planters of the Territory. And if by curtailments, the bank could have withdrawn from circulation, every dollar of its notes, the measure would have neither paid one dollar of northern debt; nor have reduced the rate of northern exchange, one per centum; although it would have ruined many individuals, and would have greatly added to the embarrassments of the Territory by depriving it of a currency, which, at home, at least, subserves all the purposes of specie; and is only said to be "depreciated," because it will not pay a debt in New York.

So far from being *redundant*, the amount of the bank circulation of the Territory, is less, by one half, than it was, prior to the suspension of specie payments. And so far as this bank is concerned, the circulation will continue to be reduced.

In this country, no institution can long oppose public opinion, however mistaken that opinion may be. This bank has yielded to the current of prejudice, and throughout the past year, has persisted in a rigid curtailment of discounts. During that time, it is not recollected that new discounts to the extent of ten thousand dollars have been granted. It is presumed that the same course will be pursued by our successors, until the whole circulation of the bank shall have been withdrawn. And *then*, when no demand can be made upon it, the bank may make the empty boast of "being ready to pay specie." Then, too, the people will see, that in grasping at a *shadow*, they have lost the *substance*.

The evil under which the country suffers, admits of but two remedies—TIME, or CREDIT.

Time, for the production, and sale, of future crops ; which, aided by strict economy, will pay our foreign debt.

Credit, which would enable us to anticipate the benefits of those crops.

If the last House of Representatives had been as anxious for the resumption of specie payments, as for the destruction of the bank, their true policy was obvious.

The bank owns, as has been stated, seven hundred and four thousand dollars of the bonds of the Territory, forming so much of its capital. The sale of those bonds would produce a two fold effect, in facilitating a resumption of specie payments.

1st. The payment of so much of the Northern debt of the bank of the Territory.

2d. The reduction of the circulation of the bank by a sale of the northern exchange, which the price of the bonds would place in its possession.

Those results would have obviated the necessity of measures which must press onerously upon all, and ruinously upon many. But intent upon a more favorite object, the last House of Representatives declared the bonds *void*; the bank *bankrupt*; and the Territory *faithless*.

The hope is indulged, that the present Legislative Council will be actuated by a better feeling ; and that its measures will be conservative, rather than destructive.

By a harmonious co-operation of the Legislature, the people, and the bank, the evil, now existing, may be removed without great injury to the country.

The sale of the Territorial bonds will enable the bank to resume specie payments.

It is true that their value has been reduced by the conduct of the last House of Representatives. But it is in the power of the present Legislature to do much for the restoration of the credit, and character of Florida. Let her no longer occupy that "bad eminence" of furnishing the only Government in the civilized world, which denies the obligation of its contracts.

Confidence in the faith of the Territory may be restored by more prudent counsels ; but it is futile to expect that the Territorial bonds can be sold for more than the bonds of older and richer States, whose Legislatures have ever manifested a determination to sustain their honor and credit.

The bonds of all the States are now selling for less than par.

Therefore, while the restriction in the charter of the Union Bank remains, no sale, can be made of the Florida bonds.

The bank has been discounting for three years upon that portion of its capital, which was expected to be obtained by the sale of these bonds, and the interest from this fund during that time, has exceeded 25 per cent, so that a sale of the bonds at 75 per cent, would still leave the bank without loss on them.

The terms of the sale may, therefore, be safely left to the discretion of the Directors, whose personal interests, as well as public duty, will forbid any unnecessary sacrifice.

The right to sell at a discount, will not necessarily cause such sale, or discount, to be made. The bonds may be hypothecated as collateral security for the payment of the *Bank bonds*, to which reference will presently be made; and before the maturity of the bank bonds, the credit of the Territory may be completely restored, and a sale of them be effected at *par*, or at a premium.

While the restriction continues, it is obvious, that they cannot be hypothecated with the same advantage to the bank, or to the Territory.

A repeal of the restriction in the 34th section of the charter will do more for the restoration of *specie payments*, than every other act of legislation to which resort can be had.

Under the complicated difficulties of their situation, your Directors have done all that was in their power; and have tried to effect more than circumstances at home and abroad, have enabled them to accomplish.

They have paid to the Bank of the United States, two hundred and thirty-seven thousand dollars, in part of the debt which had been contracted for the purpose of paying protested checks of this bank, unadvisedly drawn, before the return home of the President, or the provision of adequate funds to meet them.

This payment, with the purchase of cotton, and advances upon it, in order to provide the interest upon the Territorial bonds, necessarily caused a great increase of the circulation of the bank; so that between the 20th November, 1839, and the 18th of March, 1840, the circulation of the bank had been augmented from \$293,000, to \$653,000, making an increase of \$360,000.

To reduce this circulation, the bank has, throughout the whole year, persevered in a curtailment of its discounts: and the rate of curtailment would have been greater, if there had existed a hope that further exaction could be complied with. But with a crop of cotton, less, by one half, than that of 1839,

no increase of the rate of curtailment can be effected, until another crop shall have been brought to the aid of the country. This is demonstrated by the amount of notes, which have been put in suit since the last annual meeting, as well, as by the amount of unquestionably good paper, now under protest from the inability of the parties to pay their curtailments. It will become more apparent, by the large amount of new suits which will swell the court dockets at the next spring term.

By curtailments, payment of interest upon renewals, and other measures, which will be mentioned presently, the circulation of the bank, which, on the 18th of March, last, was \$653,000, has been reduced to \$355,667, including \$7825 of the notes of the Central Bank, the greater part whereof, have probably been destroyed, or lost. But for the payment of the interest upon the capital of the bank, and the heavy losses upon cotton, substituted for inland exchange, for the purpose of paying that interest, the circulation of the bank would have been less than one half of its present amount.

The unprecedented short crop of the past year has now been sold, and its avails disposed of.

The annual interest payable to this bank, exceeds \$270,000. And there are arrears of interest now due to it of \$110,000. So that, the interest alone, which should be received by the bank, in the course of the year, greatly exceeds its circulation.

The suits already instituted by the bank, and upon which judgment will probably be obtained, at the spring term of the courts, also greatly exceed in amount, the circulation of the bank. And there are other suits, besides those of the bank, and to a much larger amount, upon which judgment will be obtained at the ensuing spring terms.

Until the proceeds of another crop can become available, what is there besides the circulation of this bank, which can be used in the liquidation of this immense amount of indebtedness?

These are facts meriting the consideration of this general meeting, and which will claim the serious regard of those, to whom the Stockholders may commit the management of the bank for the ensuing year. They deserve the consideration of the people of Florida, and are not unworthy of the notice of their Representatives.

Besides curtailments, your Directors adopted other measures for the reduction of the circulation of the bank.

They issued post notes, payable in New York, at periods not exceeding two years, with interest at the rate of seven per centum per annum, payable half yearly. This was done with a double object.

1st. To increase the value of the notes of the bank, by making them convertible into paper, which, besides bearing the legal interest of New York, has attached to it, no uncertainty, as to the future rate of exchange between that city, and Tallahassee.

2d. To fund present liabilities, by converting them into a loan to be repaid in the year 1842.

3. To inspire confidence in the punctual payment of those post notes, some of the directors agreed to make themselves personally responsible by indorsing them.

Strangers cannot be expected to possess such a knowledge of the condition of the bank, as to know whether it is really entitled to credit. Moreover, universal distrust had been the natural offspring of the reports of the committees before referred to. But the Directors, and Stockholders, from their connection with the bank, must possess a knowledge of its true condition. And when they gave proof of confidence in its soundness, by making themselves and their estates responsible for its debts, the confidence of strangers it was thought would not be withheld.

These were the motives which actuated the indorsers of the post notes, and also of the bonds of the Bank, of which, mention will presently be made.

Besides post notes, the Directors issued bonds of the bank, in the hope that a loan might be effected in New York, to such extent, as would enable it to resume specie payments; but the object was found unattainable. Only a small amount of them, payable at a short date, were sold to meet an immediate and urgent demand.

Disappointed, yet determined to spare no effort which gave a hope of attaining their great object, of a resumption of specie payments, the Board of Directors decided to try the European market, and for that purpose, caused bonds of the bank to be prepared to the amount of one hundred thousand pounds sterling, made payable in London; and to bear such rate of interest, and to become due, at such periods as might be agreed on with the purchaser.

The Cashier, General Mercer, had previously gone to New York, to arrange the payment of the July interest upon the Territorial bonds, payable in New York, London and Amsterdam; to negotiate the exchange of certificates of deposit, held in New York, for post notes; and to attend to other interests of the bank, requiring his presence in that city. The sterling bonds were, therefore, sent to him, with a request that he would proceed to Europe, for the purpose of effecting a loan.

In the interim, however, Mr. Jenson, the Agent of the Bank of the United States, in London, had arrived in the United States, and after some interviews with him, the Cashier, with the concurrence of the Board of Directors, committed the agency for the sale of the sterling bonds, to that gentleman, whose high character for financial talent, unquestioned integrity, and established connections abroad, gave assurance that a sale would be effected, if practicable.

Late intelligence from London, tells of his success in obtaining a loan for the use of the Bank of the United States. His connection with that institution required that his first efforts should be given to its interests.

A sale of the sterling bank bonds, will enable us to pay the balance still due to the Bank of the United States, and moderate curtailments during the year now commenced to discharge every liability of the bank. The repayment of the bonds, and post notes will be made from the receipts of interest, and curtailments spread over one, two, three, and four years, which will bring us many crops to the aid of the debtors of the bank. Under such circumstances Florida would pay, with little damage, through the ordeal, which in adjacent States, has been attended with blighting effects.

After having, with great ability and success, achieved the objects of his mission, among which was the payment of the January interest upon the Territorial bonds, the Cashier has returned to his post in the bank, to aid in devising, and executing such further measures, as may be necessary for the complete restoration of its credit.

Since the last annual meeting of the Stockholders, the amendment of the charter on the subject of delinquent stock has been twice put in force.

Delinquent shares were advertised to be sold on 24th of June last, when 144 shares were sold at a premium of twenty-five dollars per share. The other shares which had been advertised, were not deemed before the day of sale.

Another sale was advertised for the 16th of December, and before that day, all but one of the Stockholders had redeemed their shares, leaving 232 shares, delinquent, which were sold at public auction, for a premium of twenty-nine dollars per share. But not having since appeared, that the sale had been advertised in only one newspaper in Tallahassee, the purchasers have been supplied with shares previously held by the bank, and the delinquent stockholders, apprised by the Directors, of another opportunity of avoiding forfeiture by paying their arrears of interest.

For reasons unknown to the Directors, the committee appointed by the Stockholders, at their last annual meeting, to examine and report the condition of the bank, have failed to make the required examination. The members of the committee were duly notified of their appointment.

In compliance with the injunction of the Stockholders, the Board of Directors have contracted for the building of a fire proof banking house, on the same lot with the present banking house. The building has a front of 33 feet, and is 51 feet in length. The banking room is 28 by 30 feet in the clear—a Presidents room 14 by 18 feet in the clear—and a vault for books and papers, 11 by 13 feet in the clear.

The rooms will be floored with marble. By contract, it must be completed by the 25th of next month, (March.) The contract price is \$11,700; but as the bank had to furnish granite, for steps, sills and coping, the cost will be two or three thousand dollars more.

The size and plan of the building were directed by a compromise between differing opinions among the Directors; and until some addition shall be made to it, the board must continue to use the present vault, and banking room.

The Board of Directors have resolved to close the agency at St. Joseph, as soon as practicable.

The Board of Directors have been informed that, unmindful of the divine injunction that "whatsoever you would that men should do unto you, do ye even so to them," specie is demanded in satisfaction of judgments, by persons who are themselves indebted to this bank; and even by parties against whom the bank has untried judgments. These parties say to the bank, "have patience with me and I will pay thee all;" while they take their "debtor by the throat," and demand of him the pound of flesh; refusing to receive in payment, from him, that, which would pay their own debt to the bank!!

It is submitted to the Stockholders, to say, whether the new Board of Directors should not be instructed to enforce immediate payment of any debt due to the bank, by a party thus exacting specie from his debtor, and, also, to use any judgment which the bank may hold against such creditor, so as to protect his debtor.

At the last general meeting the following resolution was adopted:

Resolved, That the Chair appoint a committee of four, to whom shall be referred the subject of the cash stock amount, of various individuals, with the bank; with instructions to inspect and adjust the same, and make report thereof to the Board of Directors, who, if they shall not concur in the same, shall refer the final question thereon to the Stockholders in general meeting.

The Chair appointed the following gentlemen on the Committee, viz: Rich'd. C. Allen, Jno. D. Edwards, A. M. Gatlin, and H. W. Braden, Esquires.

The Committee met in the month of March, last, and adopted a report which will be submitted to this meeting. They unanimously awarded, that John G. Gamble should be paid for his shares of cash stock cancelled by the Board of Directors the sum of twelve and a half dollars per share.

This report was acted upon by the Board of Directors, in the absence of the President on the 20th December, 1840.—Nine Directors being present.—Col. Williams being detained at home by the illness of his family, and Doct. Holland, having resigned.

By a vote of 5 to 4, the Board refused to confirm the award of the committee. The matter is therefore referred back to the Stockholders, pursuant to their resolution.

A statement of the liabilities of the directors is herewith annexed. All which is respectfully submitted.

JOHN G. GAMBLE, *Pres*

February 1, 1841

CORRESPONDENCE

In relation to the payment of the East Florida troops.

EXECUTIVE DEPARTMENT,
Tallahassee. 22d February, 1841 }

To the Legislative Council of Florida:

Since my late message upon the subject of Colonel Brown and Major Garrison's claims, in behalf of their regiment and battallions, and after the Council had refused to take action thereon, I was applied to, in the most earnest manner, to issue the bonds which the Council had been informed by a message, I was prepared to execute.

In the interim, however I had received the enclosed letter from the Hon. Madison C. Livingston, which is herewith transmitted to the Council, with letters from the Hon. J. C. Pelot, J. G. Cooper, and others, members of the Council from East Florida.

I submit to the Legislative Council, if it might not be proper, before the Executive complies with the resolutions already adopted, to cause an investigation to be made into the imputations and charges contained in the communication of the Hon. Mr. Livingston.

It seems to me to be due to the claimants, to the parties assailing and defending them, and to the character of East Florida.

The investigation might be made by a commissioner or commissioners, to be appointed by the Legislative Council or the Executive.

If these claims be just, as the resolutions recently passed manifestly by the Legislative Council, suppose them so, they should be promptly and immediately settled, if they are unjust, let those who are in possession of the proofs, have an opportunity to present them.

I respectfully request the Honorable the House of Representatives, after reading the original letters herewith communicated, to transfer them to the Senate for the information of that body.

ROBERT RAYMOND REID.

TALLAHASSEE, February 19, 1841.

To His Excellency ROBT. RAYMOND REID,

Gov. of the undersigned, Senators of East Florida, and Re-

representatives of Alachua, Hamilton, Columbia, and Nassau, beg leave respectfully to call your attention to resolutions passed at the present session of the Legislative Council, authorising a settlement, with the militia, ordered into service under Col. Robert Brown, and Major Isaac Garrason, in the spring of 1838. The payment of these troops has been delayed nearly three years, and many of them, and the families of those who have died, are suffering for the want of what is due them, for services, and disbursements in that year. The House of Representatives having refused any action interfering with the operation of the resolutions, above referred to, we deem it our duty, in behalf of our constituents, to ask as immediate a settlement as will suit your Excellency's convenience.

We are, respectfully,

Your obedient servants,

J. G. COOPER,

JOHN C. PELOT,

Senators.

DANIEL BELL, Hamilton,

JOHN L. THIGPEN, Nassau,

EDWARD BIRD, of Alachua

TALLAHASSEE, February 20th, 1841.

DEAR SIR:—I feel it a duty I owe to the Territory of Florida, to address you on the subject of settling the claims of a regiment commanded by Col. Robert Brown, and a Battalion commanded by Maj. J. Garrason, for military services rendered in the year 1838.

Believing, as I do, that there are more men claiming pay for services rendered, than ever performed said service, I am compelled to state to you, as the Governor of the Territory, what are my opinion respecting said claims, and the reasons for that opinion.

About the middle of June, 1838, I was ordered (being then in the U. S. service) from Madison county, where I was then on duty, to proceed, via Mineral Springs, to the upper Suwannee near the Okefenokee swamp, for the purpose of pursuing and hunting out a party of Indians which had passed through Columbia county, and fought twice with the volunteers on their way to the swamp—once with Capt. Sanderlins' and once with G. W. Smiths' command; I was directed to furnish provision (subsistence) and forage for any Territorial militia, which might be in service and would accompany the command to which I

was attached, in pursuit of the Indians. When I arrived at the Mineral Springs, I heard that three or four companies of Florida militia rendezvoused at that place, some of which had just returned from pursuit of the Indians; I applied to some of the officers to send detachments of their commands with us; excuses were made that it would not be politic to leave the vicinity of the spring (where there were a number of inhabitants collected) unprotected; and others, that they had just returned from a scout. I was of the opinion from conversing with several citizens, that but few of the companies were full, for I had been applied to by several, to recommend them to the commanding officer of the U. S. Troops, who at that time wished to receive one company into the U. S. service; stating to me that if they could get an order to raise a company, they would be ready to muster into the U. S. service in a short time; now if they considered themselves in the Territorial service for 4 months why did they apply to me to get into the U. S. service, to be sent, as I was, from one section of the Territory to the other, I would prefer guarding my own fire side to that of another. I was afterwards applied to by Capt. North, to get into the U. S. service, stating to me that the command then under Sanderlin, would join him, and with the men he then had, would make out a full company. Capt North with three or four men accompanied us into the Okefenoke swamp. He was soon after that time, say 20th June, mustered into the U. S. service.

On my return from the swamp, I passed through part of Ware and Lowndes counties, Georgia, through the neighborhood where Capt. Bryant had raised a company, as he said, under the orders of Col. Brown. He at that time was trying to get into the Georgia service, and many of his men, whom I saw did not consider themselves in the Territorial service, as they thought they would never get paid, and also that it was then necessary for them to guard their own families and farms.

From the foregoing circumstances, and taking into consideration, the number of men claimed in said command, and the number of citizens (voters) in Columbia and Hamilton counties, I am conscientiously of the opinion that many of the men borne on their muster rolls, are fictitious, and many of the others never done service at all. You may add together all the militia of Columbia and Hamilton counties, and all in Ware county, and take from the total of those counties the command, and then in the United States service, under G. W. Smith, and you cannot make out the number.

At the same time I will beg leave to state, that I am confident many of the militia in said regiment done good and efficient service, and I would be the last man in the Territory, to

wish to deprive them of their pay, for I know the hardships and privations they have undergone.

As respects the battalion of Maj. Garrason, I have heard various rumors, but not knowing any thing of my own knowledge, I will express no opinion.

I would therefore suggest to your Excellency, the propriety of sending an officer (well qualified for the duty) to inspect and master the various companies, and if necessary have men sworn to the service rendered.

I would not have written this letter had not the Council refused to act on your late message on that subject, and feeling for the honor and character of our Territory, it was my duty, as a citizen, to give any information respecting said claims, which I might possess.

I am, very respectfully,

Your obedient servant,

MADISON C. LIVINGSTON.

To His Excellency R. R. REID, Tallahassee.

EXECUTIVE DEPARTMENT.

Tallahassee, Feb. 20, 1841.

GENTLEMEN:—I enclose for your perusal and consideration, a letter from the Hon. Madison C. Livingston, which you will be pleased to return to me.

I am, gentlemen,

Very respectfully,

Your obedient servant,

ROBERT RAYMOND REID.

The Honorable, Messrs. Cooper, Pelot, Bird, Thigpen and Bell.

TALLAHASSEE, February 21, 1841.

To His Excellency R. R. REID,

SIR:—We have read and considered the extraordinary letter of Mr. Livingston. In the accompanying letters you will find our reply. It would be gratifying to us that should you deem his communication of sufficient importance to justify delay in the settlement of these claims, until the companies are inspected, you would, in the first place, ask of Mr. Livingston to make affidavit to it.

We have taken the liberty to retain a copy of his letter to you, and in justice to our constituents, whose honor has been impeached by his communication, we feel it right to say, that we have no objection to your despatching an officer to muster and inspect the troops at the time of settlement, (so far as they are still living or within reach) in accordance with the usual rules and regulations of the military service.

We remain, very respectfully,

Your obedient servants,

J. G. COOPER. *Chairman E. F.*

EDWARD HARD.

DANIEL BEIL.

J. L. THIGPEN, *Naming, &c.*

Representatives.

TALLAHASSEE, February, 21, 1841.

To His Excellency R. R. REID:

SIR:—At the request of the Eastern Delegation, being more familiar with the facts connected with the subject of Mr. Livingston's letter, enclosed with your communication of this morning, I have the honor to submit my views. Of this extraordinary communication, I shall, at present, content myself with a notice of such portions only as contain assertions calculated to mislead you in your action under the resolutions referred to. I commanded a company myself in Col. Brown's regiment, and received a message from Capt. Livingston, asking a reinforcement: I was under orders from Col. Brown, in the Territorial service, and had no authority to move with my company, otherwise than by Col. Brown's command, and for this reason I took no notice of his message; for the same reason the other Captains, with several of whom I conversed afterwards upon the subject, pursued a similar course. But if this reason had not existed, the reason stated by Mr. Livingston as being given in excuse, would have been ample, to wit: "That it would not be politic to leave the vicinity of the spring (where there were a number of inhabitants collected) unprotected; and others, that they had just returned from a scout." Had Mr. Livingston applied to Col. Brown, who commanded the regiment for co-operation, he would have found no difficulty in obtaining all the aid he required. Besides the troops were in the Territorial service for defence of the frontier, and not for service in expeditions of U. States troops, any further than the Col. might deem consistent with the purpose of his command. It would

have been a violation of military duty and breach of order, in any Captain to have placed his company under the orders of Mr. Livingston, upon requisition not passing through a superior officer.

The opinion asserted by Mr. Livingston, that but few of the companies were full, is *mere opinion*, which is contradicted by the superior evidence of the certificates of the Colonel, Adjutant and Captains on honor, as to the number of men enrolled under them.

In respect to the asserted conversation with Cap. North, concerning his own and Capt. Sanderlin's companies, I have to say, that the companies of Captains North and Sanderlin, were mustered into the Territorial service side by side, at the same time by Lieut. Col. Webb.

The inference attempted from the assertion that the number of men in Columbia and Hamilton, together with Ware county, Georgia, would not afford a sufficient force to constitute a regiment, is not founded in fact. The regiment consisted of men drawn from the counties of Columbia, Hamilton, parts of Alachua and Nassau, and from Georgia. There are in Columbia county, between three and four hundred "voters," and in Hamilton about two hundred. In those two counties there must have been at the time nearly three hundred persons capable of bearing arms, who were under the age of 21 years, or transient persons, and not entitled to votes. Here are nine hundred in these two counties alone; add to this probably one hundred men from Nassau and Alachua, and about the same number from the neighboring counties of Georgia, (who came over and enlisted, and did service in Florida,) and you have an aggregate of nearly one thousand men. The companies composing the battalion of Lieut. Col. Webb, were mustered into the service in the following manner, to wit: My company and Captain Martin's, were mustered in at the same time; Sanderlin's and North's at the same time, and Bryant's and Johnson's at their respective head quarters. The companies composing the battalion of Major Wilson occupied the lower part of the country, and were mustered under his supervision. A sufficient answer to the suggestion of fictitious names by Mr. Livingston, is, I apprehend, to be found in the fact that the rolls are certified to by the proper officers, whose *respectability* and *characters* are quite equal to that of Mr. Livingston's.

I have no hesitation in stating *upon knowledge*, that the imputations attempted by Mr. Livingston, are not supported by facts, that the justice and correctness of the returns and claims cannot

be impeached, and that there exists no reason why any delay should ensue in the settlement directed by the Legislature.

You have permission to do as you please with this letter.

Very respectfully,

Your obedient servant,

JOHN C. PELLOT,

Senator from E. F.

TALLAHASSEE, February 21, 1841.

To His Excellency R. R. REID:

SIR:—In reference to that portion of Mr. Livingston's letter, which relates to the battallion under Major Garrason, I think it proper to say, that if any rumors intimate by him tend to impeach the justice of the claim against the payment of which he strives, or the accuracy of the rolls, they are basely calumnious.

A was myself Adjutant of the battallion, inspected and mustered in and out, the companies comprising it, therefore speak confidently and with a knowledge of facts.

Very respectfully,

Your obedient servant,

EDWARD BIRD.

HOUSE OF REPRESENTATIVES,

February 23, 1841.

The House ordered that the enclosed message, No. 7, together with the accompanying letters, be transmitted to the Senate.

Attest,

JAS. H. GIBSON, Clk.

HOUSE OF REPRESENTATIVES,

Tallahassee, February 23, 1841.

SIR:—In reply to your enquiry I have to say, that upon the occasion referred to in Mr. Malison Livingston's letter to Gov. Reid, I was myself the commanding officer of the expedition, Mr. Livingston being a captain under me. That I was directed by Major Dearburn to take two of the companies of Col. Brown's regiment with me, he being under the belief that Col. Brown's regiment had been mustered into the United States service. Upon reaching the Suwanee I found that the regiment was not in the United States service, but in the Territorial, and I did not therefore feel myself authorized to make the demand,

and did not. I offered to furnish with provisions any that would join me, and some of the regiment, with the permission of their officers, volunteered and accompanied me. I was serving at the time with the rank of Major, and was in the service of the United States.

Respectfully yours,

JOHN L. TAYLOR.

To Hon. JAMES G. COOPER.

TALLAHASSEE, February 24, 1841.

DEAR SIR:—At your request, and in justice to my constituents, I have no objection to state that to the best of my recollection, it was late in August 1838, that Capt. Norths Company was mustered into the U. S. service, and that in a conversation which I had with Capt. Livingston on the morning after the indefinite postponement of the report and resolutions of Mr. Brown, as chairman of a committee of conference to the Brown and Garrison volunteers, he observed that we had done right in postponing them.

I am not prompted by any personal interest in this matter, only so far as my constituents are concerned, I was neither officer nor private in that service, nor neither have I purchased any claims in that service.

Respectfully your obedient servant,

DANIEL BELLA.

To Hon. J. C. PELOT.

TALLAHASSEE. February 27, 1841.

DEAR SIR:—I enclose you herewith two printed copies of my correspondence with Col. Brown and Maj. Garrison. Give one of them to Gen. Brown. For further information I refer you to my annual message for the year 1839, which you will find in the journals of that year.

At page 5, of the enclosed pamphlet, you will find Browns letters of the 15th March and 5th of April, in neither of which does he pretend to have had any troops at the time of mustering in service. My order authorising him to raise troops, you will find at page 6, dated the 13th of April, *read it carefully*. My order to disband them, you will find at page 7, dated 23d June. You will find his acknowledgement of the receipt of that order on the same page, in which he says his men were enrolled for 4 months, unless sooner discharged, *but that "some of the companies fell short of it."*

Now see what time he claims to have served. You will find Garrason's letters to me on the 9th and 11th of April, at page 11 and 12. He shows clearly that he had no men in service at those dates, and asked me for an order to raise a force. That order was given on the 15th of April, which you will find at page 12 and 13. You will perceive it contemplated a force to be *raised from* his battalion, and not the whole of his battalion, to be ordered into service. My order to disband these troops, was given on the 23d of June, a copy of which was sent to Col. Brown for his government, as you will perceive from my letter to him, at page 7. This letter to Garrason you will find at page 14. Even if he had the number of men he pretends to have had, they could not have been more than two months in service. Now if the Council is determined to pay them for 6 months service, they must do it on their own responsibility and not on mine. You will perceive from my correspondence with Brown and Garrason, that after receiving my order of the 13th and 15th of April, to raise troops, neither of them made any report of their proceedings until the 12th of June, when Garrason wrote me that he had ordered the whole of his battalion into service. Immediately on the receipt of this letter, I wrote him on the 23d of June, (see page 14) ordering him to disband his whole force. I had then learned nothing from Brown, but presuming that he was playing the same game, I enclosed him a copy of my letter to Garrason, and directed him to consider it as an order directed to him, if the same state of things existed in his regiment. (See my letter to Brown, dated 23d of June, at page 7.) Both of these letters were sent by Adjutant Bird, now a member of the Council, and Col Beckham, and must have been received in 4 or 5 days after their date. Please show this letter to Col. Dupont and Gen. Duval, with the printed correspondence. If the people of Middle and West Florida are to be taxed to pay the troops of East Florida, the number of men and officers, as well as the time they served, should be closely examined and fully ascertained.

Yours,

R. K. CALL.

Capt. LIVINGSTON.

MARCH 1, 1841: .

DEAR SIR:—I have a distinct recollection that Capt. Martin told me that one of the companies of Col. Brown's regiment should not be paid for the full term of service. He said the

Captain had left the Territorial service and gone over in Georgia.

I am, very respectfully, &c.

ROBERT RAYMOND REID.

Hon. Mr. LIVINGSTON.

" In confirmation of the opinion expressed in my letter to the Executive of the Territory, dated 20th February, respecting the claims of the troops under Col. R. Brown and Maj. Isaac Garrason, for military services rendered in 1838. I request that I may be permitted to offer the correspondence between the Gov. of the Territory and said officers, on the subject of raising troops for the defence of the frontier, of Alachua and Columbia counties, in the spring of 1839; as also a letter from General Call, and one from the Governor of the Territory.

My object in offering this correspondence, is to show on what grounds I stood, and how far facts sustained me in the opinion I advanced.

You will perceive from this correspondence that on the 8th of April, Col. Brown writes the Governor from Newnansville, requesting to be permitted to raise a regiment, I will quote his language. "I therefore hope you will order me into the service with a regiment of rangers, *which I am certain can be raised immediately.*" I have no doubt the Senate will be astonished when I tell them that a full regiment is reported to have been mustered into the Territorial service two days previous to this, (on 6th of April) the day from which all their muster rolls are made out.

In answer to this letter the Governor authorised Col. Brown to call out a sufficient volunteer force for the protection of the frontier—I use his words, "In the exercise of the authority with which you are hereby invested, you will use a sound discretion, and call out no larger force than in your judgement will be absolutely necessary for *defensive operations.*" Now suppose in the exercise of a sound discretion, the Col. did think it necessary to call out a full regiment, how is it possible for the whole 8 or 10 companies to date back to the 6th April, for it must have taken 4 or 5 days for the order to have reached him and then some 4 or 5 days more to raise this regiment and organise it, which will bring the time to 23d April. There seems, however, to have been no report made to the Executive of the number of men raised or the service rendered; until the Governor, in a letter dated 23d June, writes, "that he had receiv-

ed no report from him with regard to the number of men in his regiment, and the length of time he may have deemed it necessary to continue them in service." And at the same time orders them discharged from the Territorial service; this communication, it seems, did not reach its destination until 22d July, although sent by the Adjutant of Maj. Garrason's regiment, Capt. Bird. From these facts you will perceive that it would be impossible for Col. Brown to have had a regiment in service under the orders of the Governor, for a longer time than three months, (from 23d April to 23d July.)

As respects the correspondence with Maj. Garrason, you will see that from Brown's letter of the 8th April, and Garrason's to the 9th and 11th of April that there was no Territorial troops then in service, but they request that they may be ordered into service; which order was issued on 15th April, at Tahlassee.

The Governor in his letter of 15th April to Garrason, after directing him to offer his volunteers to the commanding General and in the event of his refusing to receive a sufficient volunteer force to co-operate with the regular troops in defending the country, he said, in that event, "you are hereby authorised to organise *such a force from your battallion*, under the authority of the Territory, as will give security to the frontier of Alachua." This is the only order Major Garrason received from the Governor to raise troops, still his muster rolls date back to 19th of March. No report is made to the Governor of the number of men raised, or what duty they had performed, until 12th June, when he writes the Governor that he had the whole of his battallion in service. Immediately on the receipt of which report, the Governor orders him to discharge them, (see letter 23d June) which it seems the Major disregarded and continued them in service until 19th September.

From this correspondence it is evident that Maj Garrason did not consider his battallion in the Territorial service, on the 11th April, and that he did not get an order to organise a force *from his battallion*, until 15th April, yet we find his muster rolls bearing date from 19th March, to the 19th of September, continuing them in service some three months after he was ordered to discharge them.

Are not these facts something on which a man might, very rationally, form an opinion, that all was not right? The conclusion which every mind would come to after reading this correspondence is this; that the commanding officers of the regiment and battallion, deliberately wished to deceive the Governor, knowing that he would not allow, such a large force kept in service, or that they never had the number of men for which they claim pay, regularly organised.

From the letter of Gov. Reid, it is evident that other persons doubted the propriety of paying all the command of Col. Brown, as one company left and went over to Georgia, which fully sustain my assertion respecting Capt. Bryant's company.

I did not, in my communication to the Executive, make any personal allusions, although I, perhaps, ought to have done so, as I knew that two of the Captains in Brown's regiment, had left the country, charged with having committed frauds on the Government, I therefore did not put much confidence in their certificates, others of that command I hold in the highest estimation, and have not the least doubt that they did good and efficient service, and for that reason I was anxious to have their claims put in a proper train for collection, for I am confident, they never can nor never will be paid either by the Executive of this Territory or the United States, on the application of their agents with the muster rolls and pay rolls as they are now made out, claiming the full amount by power of Attorney—not knowing whether all the men are alive, or whether some of them have not moved away, and perhaps some *run* away. I am sustained in this last assertion by the Senator from the East, who argued "that it would be impossible to have a correct muster *now*, as some of the men were dead and others had moved away, &c." Do not their powers of attorney die with them?

I will here remark that an expression in my letter, in speaking of the time I saw Capt. North. I use the expression shortly after that time, (say 20th June) Capt North was received into the United States service, and I do not mean that Capt North went into the United States service about 20th June, but that it was the 20th June when I saw him; the sense of which is evident, from other parts of my letter.

In answer to Maj. Taylor's letter, I can only say that I did not claim to have the command of the expedition to the Okefenoke swamp; but I do say I was ordered by Maj. Dearborn, to proceed to the swamp, &c., and that Maj. Taylor arrived at my camp the evening before I was to start after I had made all necessary preparation to start, and that the requisition on Maj. Jones at Charles' Ferry, for forage and subsistence for the troops, was made by me, and I had to account for them. I am therefore of the opinion that Maj. Taylor mistook the meaning of my letter, if he saw it, or else he merely answered a question put to him by Maj. Cooper.

My letter is itself an answer to Capt. Bird's letter, as I make no charges against, or opinion of the battallion of which he was Adjutant.

M. C. LIVINGSTON.

March 2d, 1841.

(2)

A

JOURNAL,
OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL,
OF THE
TERRITORY OF FLORIDA,
AT ITS
NINETEENTH SESSION.

BEGUN AND HELD IN THE CITY OF TALLAHASSEE, ON MONDAY THE FOURTH
DAY OF JANUARY EIGHTEEN HUNDRED AND FORTY-ONE.



TALLAHASSEE:

PRINTED AT THE "FLORIDIAN" OFFICE.

1841

Recd July 22. 1847
of the General Assembly
of Liberia

See the Resolution and
Acts 2^o Dec 1846, n 97

A JOURNAL

Of the House of Representatives, of the Legislative Council of the Territory of Florida, at the nineteenth Session thereof, held at the Capitol, in the City of Tallahassee, beginning on the 4th day of January, A. D. 1841.

MONDAY, January 4, 1841.

The following Members appeared and took their seats, viz:
From Escambia—Charles Evans.

" *Washington*—Wm. Miller.

" *Jackson*—Elijah Bryan and Thos. M. Bush.

" *Calhoun*—P. W. Gautier, Jr.

" *Franklin*—R. Myers.

" *Gadsden*—S. B. Stephens and S. Salisbury.

" *Leon*—Thomas Brown, J. W. Bannerman, A. F. Duval and Joseph Branch.

" *Jefferson*—Wm. D. Mosely.

" *Columbia*—Wm. Cone.

" *St. Johns*—Buckingham Smith.

" *Munroe*—Joseph Eluardi.

" *Dade*—Temple Pent.

On motion, Mr. Brown, of Leon, was called to the chair.

There being no quorum, the House adjourned till to-morrow 12 o'clock.

TUESDAY, January 5th, 1841.

The House met pursuant to adjournment, and on motion, adjourned till to-morrow 12 o'clock.

WEDNESDAY, January 6th, 1841.

The House met pursuant to adjournment, and, on motion, adjourned until to-morrow 12 o'clock.

THURSDAY, January 7th, 1841.

The House met pursuant to adjournment, and proceeded to call the roll; twenty one members answered to their names.

On the announcement being made that a quorum was present, Mr. Duval moved, that the members present, do now proceed to take the oath of qualification, preparatory to the organization of the House; which motion prevailed.

The roll was then called, and the following members came forward and took the oath of office before his Honor Judge Allen.

	<i>From the county of Munroe.</i>	Joseph Elzuardi.
	"	Dade—Temple Pent.
	"	St. Johns—Buckingham Smith.
	"	Nassau—J. L. Thigpen.
	"	Columbia—Wm. Cone.
	"	Madison—Lucius Church.
	"	Jefferson—Wm. D. Mosely and Jno.
L. Taylor.	"	
	"	Leon—Thos. Brown, J. W. Banner.
man, A. F. Duval, and Joseph Branch.	"	
	"	Gadsden—S. B. Stephens, and S. Sad-
bury.	"	
	"	Calhoun—P. W. Gautier, Jr.
	"	Franklin—Robert Myers.
	"	Jackson—Elijah Bryan and Thos. M.
Bush.	"	
	"	Washington—Wm. Miller.
	"	Escambia—Henry A. Nunis and Chas.
Evans.		

Mr. Smith then moved that the House do now adjourn until Monday next.

Which motion was lost.

Mr. Myers moved that the House go into the election of Speaker.

On motion of Mr. Duval, Mr. Wm. D. Mosely took the Chair after the swearing in of the Members.

A petition was then read from Mr. Kenneth Bembry, addressed to the House, claiming to have been duly elected a member from Leon county, and that the Governor had returned Mr. Branch, who had appeared, been sworn and took his seat, and who, as petitioner asserted, was not entitled to his seat.

Mr. Duval moved that the petitioner be permitted to appear by counsel, and be heard in support of the claims set forth in his petition; which motion was lost.

Mr. Brown moved to refer the whole matter to a committee

of the whole House, and that it be made the order of the day for to-morrow ; which motion prevailed.

Mr. Myers renewed his motion to go into the election of Speaker ; which was carried.

On the first balloting it appeared that Mr. Brown received 9 votes, Mr. Gautier 10, scattering 1.

On the second, Mr. Brown received 8 votes, Mr. Gautier 10, scattering 2.

The House then adjourned until to-morrow 12-o'clock.

FRIDAY, January 8th, 1841.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read, and after sundry corrections, concurred in by the House.

Mr. Stephens moved that the House do now proceed to the election of a Clerk. The Chairman decided that his motion was not in order, from which decision an appeal was taken to the House. The opinion of the Chairman was sustained.

On motion of Mr. Nunis, the House proceeded to the election of a Speaker. Upon counting the ballots it appeared that Peter W. Gautier, Jr. Esqr. was duly elected. He was then conducted to the Chair by Messrs Duval and Myers; whereupon he returned his thanks to the House for the honor conferred upon him, in an eloquent and appropriate address.

James H Gibson was duly elected Clerk of this House.

Geo. W. Parker was duly elected Clerk Assistant.

Henry T. Copeland was duly elected Sergeant-at-Arms.

The Senate transmitted the following message to the House, viz :

Senate Chamber,

January 8th, 1841.

Resolved by the Senate, That a message be sent to the House of Representatives, that it is now organized and ready to proceed to business.

Passed by the Senate, January 8, 1841.

J. S. ROBINSON, Sec'y. of Senate.

Michael Ledwith was duly elected Door-Keeper.

The Clerk, the Clerk Assistant, Sergeant-at-Arms and Doorkeeper, severally took the oaths of their offices.

On motion of Mr Myers, the Sergeant-at-Arms was directed to provide seats for such of the Florida Editors, as may be desirous of reporting the proceedings of this House.

On motion of Mr Mosely, the rules of the last session of the House, were adopted for the government of this House, until other rules shall have been adopted.

On motion of Mr. Mosely, the petition of Kenneth Bembry was taken from the table.

On motion of Mr. Brown, the consideration thereof, was postponed until Monday next.

On motion of Mr. Mosely, a message was transmitted to the Senate, informing that body that this House is now organized and ready to proceed to business.

Mr. Evans offered the following resolution, viz :

Resolved, That the Secretary of this Territory, be requested to furnish to each member of this House, a copy of Duval's Compilation of the Laws of Florida, and also a copy of the laws past at the last session of the Legislative Council; also copies of the organic laws.

The House then adjourned until Monday next, 12 o'clock.

MONDAY, January 11th, 1841.

The House met pursuant to adjournment; a quorum being present, the journal of last Friday's proceedings was read.

On motion of Mr. Brown, Mr. McKinnon, member elect from Walton county, and Mr. D. Bell, member elect from Hamilton county, were sworn as members of this House.

On motion of Mr. Thigpen, Mr. Gabriel Priest, member elect from Duval county, and Mr. John M. Fontane, member elect from St. John's county, were sworn as members of this House.

On motion of Mr. Brown, a message was sent to the Senate, informing them that this House had appointed Messrs. Brown, Mosely and Stephens, a committee to co-operate with a committee from the Senate, to draft joint rules for the government of the two bodies.

Mr. Myers gave notice, that he would, on some future day, ask leave to introduce a bill, to be entitled, an act to regulate the Banks of Florida, and to compel their resumption of specie payments.

The Senate transmitted a message to the House, informing it that they had appointed Messrs. Cooper and Livingston a committee to act with a committee of the House, in informing the Governor that the two Houses were organised, and now ready to receive any communication which he might have to make.

The House, upon reception of the message, appointed

Messrs. Nunis and Bush to act with the committee from the Senate, and informed the Senate of that fact by a message.

The Senate transmitted another communication to the House, informing it that they had agreed to the proposition of the House, to appoint a joint committee, for the purpose of drafting rules, and that they had appointed Messrs. Brockenbrough, Du Pont and Walker on their part;

Also, that they had adopted the joint rules of last session, until altered by joint action of both houses;

Whereupon the House also adopted said joint rules, and informed the Senate thereof by message.

Mr. Elzuardi offered the following preamble and resolution:

Whereas, official information has been received of the capture of a band of Indian outlaws, in the everglades, by Lieut. Col. Harney, and the troops under his command, and of the instant execution of the males and warriors of said band: *And whereas*, such a course is justified by the faithless and murderous conduct of the enemy, who have forfeited all claims to the usages of civilized warfare. *And whereas*, instant and sanguinary punishment to the Seminole, is the herald of peace and humanity to the white man.

We therefore, the representatives of the people of Florida, in their name, and in behalf of this outraged and bleeding Territory, do approve, and tender to Col. Harney our thanks, for his prompt, bold, and exemplary execution of the male savages, lately captured by him and the troops under his command, in the everglades of Florida.

Resolved, further, That a copy of this resolution, signed by the proper officers of this House, be forthwith transmitted to the President of the United States, and the Honorable the Secretary of War.

Which was read, and ordered for a second reading to-morrow.

The House went into Committee of the Whole, on the petition of Kenneth Bemby, Mr. Stephens in the Chair: After some time spent in consideration thereof, the committee rose, reported progress, and asked leave to sit again—which report was concurred in.

Mr. Nunis, from the committee appointed to wait on the Governor, reported that the committee had performed the duty assigned it; and that the Governor had declared his readiness to communicate to the House immediately—which report was agreed to.

The Governor transmitted to the House the following message:

Fellow Citizens of the Legislative Council of Florida :

I congratulate you upon your occupation of the new Capitol. The Chambers appropriated for your use are unfinished—but when the progress made in the work, at the conclusion of the last session is remembered, and also the difficulty of procuring workmen during a very sickly season, it is even surprising, that the building should have advanced to its present condition. When the Legislature shall again convene in annual session, there is every reason to expect, that both the capitol and the public square, will exhibit a spectacle, very different from the incompleteness and disorder, by which they are now characterized.

The Indian war still continues—and it is a very unpleasant duty to add, there is no immediate prospect of its close. Rumors have, it is true, reached this city, of the surrender of a number of warriors and their families, at Tampa and other posts, to the General commanding the army of the U. S. in Florida, and hope gladly seizes upon the report, and looks anxiously for peace; but a massacre at the South, in which an amiable lady, the wife of Lieut. Montgomery, of the U. S. army, is said to have been killed, affords other and gloomy forebodings. The *Indian* is like the *Carthaginian faith* of old; and experience teaches us, when their promises are most fair, the Seminoles are most faithless. Still, negotiation should be resorted to, whenever practicable, as one of the probable modes of leading to a termination of hostilities; provided, it be not accompanied by a cessation of arms. My solemn conviction remains unchanged, that it is only by incessant and hot pursuit, that such a state of suspense, disquietude, and alarm, will be produced, as to bring the Indians to unconditional submission. The late exploit of the gallant Colonel Harney, is well calculated to intimidate, and incline them to abandon their barbarous resistance.

It is said to be the expectation of those of the enemy, who have lately held intercourse with our officers, that the General Government will allow them to occupy a portion of Territory far down in the Peninsula. It is hoped, no ground has been afforded for such a belief. The dark drama of perfidy and slaughter, presented, after a recent treaty, upon the Carloosahatchie, would most probably be repeated; but if the Indians remained quiet, our people would not be content. There is blood upon too many hearthstones—too many comfortable homes have been made desolate—the citizens of Florida cannot forget, if they would; and remembering, they will never tolerate the neighborhood of such fiends. Besides, a treaty upon such a basis, would be a mere truce. After the compacts they have made and violated, the Indians have no claim to favor or consideration from the United States Government, which is bound not only to chastise their misdeeds, but its honor is concerned in their speedy and entire removal to the West. Shall it appear hereafter in our annals, that this great nation was foiled and forced from its purposes, by a few savages, who, after spreading terror through an extensive province, for several years, dictated their own terms, and constrained us to a humiliating acquiescence

in them? The pride and dignity of the country would turn with disgust from such a record!

Upon coming into office I was struck with the defenceless situation of the country and the growing audacity of the enemy; and very soon perceived, the interposition of the Territorial authority was necessary for the protection of the settlements, along a line extending from St. Andrews Bay to St. Augustine. The means within my control were very limited—but the determination was formed to exert them to the utmost. Relying upon the Justice of the General Government to sustain what should be done to prevent the incursions of the enemy, and the horrors that ever accompany them—the Executive proceeded, under several Acts of the Legislative Council, to borrow money and raise such a force as was required, by the object in view. There was no difficulty in obtaining the service of volunteers—a patriotic and valorous spirit urged more men into the field, than could be accepted, and instead of Six hundred men to which the force on this side the Suwannee amounted, as many thousand might have been easily obtained. The volunteers brought into service and officered under existing Territorial Laws, were tendered to the U. States General then in command, under the hope they would be received by him, and the Territory released from the trouble and expence of retaining such a force. The General declined, however, to accept them, and it then became a question of deep solicitude with me—whether they should not be immediately discharged, and a sole reliance placed upon the military operations of the United States? Advice and counsel were resorted to, from those who better understood the geography of the country and were better acquainted with the exposed situation of the settlements than myself, and the conviction was forced upon me, that if the militia were discharged, the country would bear the mercy of the enemy. The war of *posts* then carrying on, had produced no good result, and it was obvious, under that system, more men were required to keep the Indians in check, than the Army of the United States and the Militia of the Territory could furnish. The six hundred men were retained therefore, on this side of the Suwannee—and though the Indians made their appearance sometimes on the frontier, and lives and property were lost, yet it is confidently believed there has been less of murder and devastation for the last 12 months, than has occurred during any one year, since the commencement of the war. This assertion is not made in an arrogant and self-sufficient spirit; the credit is due to Col. Bailey who commanded the forces; to Colonel Blackburn—the brave officers and men who served under them—and to the indefatigable and energetic Colonel Collins, who occupied the head of the Quartermasters Department. For nearly eight months, these Troops were employed in guarding the persons and property of our citizens, or in pursuing the enemy, and the hardships they endured without murmuring, the Indians captured and slain, and the camps broken up and destroyed. stamp upon them a character for fidelity, valor and subordination, such as any volunteers, in any country, might be proud to bear. It soon became obvious that the Eastern District

needed a protection, which owing to the expiration of enlistments and of the term of service of a Regiment of Volunteers, could not be afforded by the Regular Army. The Commanding General called upon the Executive for five companies of footmen—orders were issued to the proper officers to cause them to be levied—but it was impracticable; they could not be obtained by voluntary enlistment, and a draft would have been followed by inextricable embarrassments. Four companies of Horsemen were therefore ordered into the Territorial Service; two of them West of the St. Johns, and two East of that River. There was some difficulty in keeping up this force, from the want of funds—for the Loans to the Territory had, with the exception of a single draft upon the North, been in Union money, which is almost valueless in East Florida. These measures it affords me pleasure to say, have been approved by the Secretary at War, who at first ordered a Regiment of Volunteers into the Service of the United States, and subsequently a Brigade, receiving the Territorial Troops as a portion of the same, and giving me assurances, that these should receive pay from the time of entering the Territorial Service, and that the just claims of our citizens for forage and subsistence, would be allowed by the Department. At this moment, these pledges are in the course of fulfilment; Officers of the Army are in Middle and East Florida collecting the claims and putting them in a train for payment, and it is not considered questionable, that our troops will be paid for their services, and the debt contracted to support the war by the Executive, discharged, both principal and interest. It was with reluctance, a resort was had to the mode of raising money by Bonds, but there was no alternative—the statute prescribed the security to be given, and a stern necessity required the money. There is a wide difference between Bonds for the defence of the People, and Bonds in aid of Moneyed Corporations. I thought then, as I think now—the country must be defended, and forms and even Doctrines are but a “feather in the scale,” when weighed against imminent danger to the lives and property of our citizens. It is a source of gratification to know, that up to the moment when the Territorial Troops were transferred to the United States Service, every thing had been done, that could be done by the Executive, to defend and protect the people of Florida. And every thing is now doing,—the Brigade under Brigadier-General Read, will it is supposed, soon be in a state of perfect organization, and the Army under General Armstrong, is reported to be engaged in an active warfare against the enemy. The scheme of posts is understood to be abandoned, except as *Depots* and places of refuge for the sick and wounded, and *defensive* and *offensive* operations, are in a great degree wisely separated, and placed in different hands. It seems to me, however,—that these services should be altogether distinct—to the militia of the country, its defence should be entrusted—while to a strong army, composed of Regulars and Volunteers, should be given in charge, the pursuit, capture and destruction of the Indians. Under the present plan, the service, so far as the volunteers are concerned, might be rendered more efficient, by providing it with a *Commissariat* and Sur-

gical Department of its own; by extending the term of Service to 12 months or during the war, and by the multiplication of mustering officers, to be posted at convenient positions. The term of enlistment being only three months, a Regiment, or Brigade is scarcely in service, before it is discharged, and vexations and delays occur in mustering in, and out of service. Indeed, considering the nature of the struggle in which we are involved;—(one much more arduous, though the numbers we have to contend with are comparatively few, than if we were warring against hosts of civilised men;) the Federal Government would more certainly command success, by increasing the pay of the Army of Florida and by offering a bounty in Lands to both officers and men, at the conclusion of the war. It also appears to me, that some plan should be formed for the settlement of the country;—lands might be given to those who will occupy them, and associations for this purpose, furnished with arms and rations by the Government until their labors can obtain from the soil, a sufficient support, to enable them to dispense with the last. Money should not be an object, in comparison with the absolute necessity of subduing and removing the savages,—to effect which, the United States are bound by every obligation which their own Honor, and Justice to this unfortunate Territory, can impose.

With the view of making it useful in the present war, an attempt has been made to organize the Militia; the orders for that purpose accompanying this Message. I regret to say but little has been done, in compliance with them. Perhaps the distractions and embarrassments belonging to the times, have interfered to prevent the proper action, on the part of the officers commanding the Militia;—but my efforts shall not be relaxed—Florida it is evident, from her position upon the map of the United States, requires, more than any other portion of the Union, an effective Militia. In foreign Wars she will be easily assailed from *without*—and should the Abolitionists continue to entertain their vile visions and press their sacrilegious schemes—she will be most vulnerable *within*. Any amendment of the Militia Laws by you, will be heartily concurred in by me;—it seems to me that such Laws should be clear, explicit and practicable;—the perplexity of details, some times defeats the most salutary measures.

There is abundant authority in the existing Laws, to enable the Executive and even subordinate officers, to call out the Militia in cases of emergency, and this authority has been several times exercised by me. Upon a late occasion in East Florida, when the volunteers were engaged in a distant scout, and *Cococoches* and his banditti murdered several United States soldiers and sacked a plantation within two miles of the most ancient city of the Union—Brigadier-General Hernandez was ordered to bring the Militia into the field—before the order could be complied with, the Volunteers returned, the Indians departed and it was countermanded. Whenever the necessity exists, I shall not fail to call upon the people to protect themselves—with the full belief that the General Government will support me in every measure proper to be resorted to, for the purpose of averting a threatening or impending danger.

Our settlements are scattered—it is impossible to place an armed force at every man's door. Citizens who select remote and exposed situations, must endeavor to protect themselves. This can only be done by supplying themselves with arms and using them fearlessly, when a crisis arrives. It is known by experience, that one determined man can defend himself, from a house, against many Indians. There is another defence which is too often neglected. The Indians emboldened by their good fortune, not only attack houses in solitary places, but often appear in thickly settled neighborhoods; every Homestead should be in fact, a castle—and palisades or pickets be thrown around every dwelling. Carefulness and a cautious preparation would prevent many a massacre by the enemy.

Injustice would be done to my own feelings, and to the truth of the case, were I not to say, that since I have been in office, the President of the United States, and the Secretary of War, have manifested every disposition to promote and advance the interests of this Territory;—especially has the war with the Indians been a subject of deep concern with them. It is very easy to complain of those in authority, and to heap obloquy and reproach upon the army of the United States; but, fault finding is often erroneous, and the accusations of malice and invective any thing but truth. If the administration has at any time erred, it is because its agents upon the spot, have been wanting in soundness of judgment, and conveyed to it injudicious speculations; if the army has been at any time remiss, it is because opportunities have not been afforded of proving how deeply it is imbued with patriotism and the love of glory. Of both regulars and volunteers, now in the field, it is but justice to say, they appear to be most anxious to perform their duty, and to do good service to this country in her "bitter day:"

My own accounts of money borrowed and disbursed, are in a state of forwardness, and will soon be submitted to you; it is believed they will be found entirely *correct*. The Executive is proudly conscious of a steadfast zeal to perform its duty to the U. S. and to the people of Florida—it may not have possessed the ability to carry out its wishes; but public calamity, and domestic affliction, have not been permitted to interfere with incessant efforts to shield the country from a ruthless foe, and to advance its prosperity.

It is to be regretted that the currency of the Territory remains in an unsound state. The bills of the three banks now in operation, are much depreciated; serious doubts are entertained of the solvency of two of them, while the Union Bank is embarrassed, and unable to resume specie payments. Every portion of the country is suffering, and the Middle District, perhaps, more than all. It is true, this District is wealthy, but of what avail are houses, plantations and slaves, when debt hangs like a cloud over them; when specie has disappeared, and exchange gone up to a high rate; when the Court dockets are thronged with suits, and if brought under the hammer, property must be sacrificed, and a constitutional currency cannot be procured to purchase it; when the necessities, to say nothing of the luxuries of life, are vending at enormous prices, and the appreciation of the principal staple of the country, is, of necessity, added

by the merchant to the price of his goods, and bears with a heavy weight upon the planting interest? Who would not prefer "the hand full in quietness," to both hands full, with such "sorrow and vexation of spirit?" If this young and blooming Territory had never chartered a Bank, the evils under which she at present labors, had probably been avoided. Such are the attractions of Florida, capital would have found its way hither—the march to wealth might have been slow—but it would have been sure, and the object when attained not glittering and hollow, but sound and substantial. But the policy of the Territory has been otherwise; there seems to have existed a passion for corporations; Banks were sown broadcast thro' the Land; repeated failures served but to whet the appetite for other Institutions; and mismanagement, extensive and imprudent issues, and a sole reliance upon credit have brought us to the condition in which we now are, and which all must deplore. The Banks however are *here*—the Legislation of the Territory although imprudent, has created them—and whatever may have been their errors, they are entitled to their legal privileges and to that justice which belongs alike to natural and artificial persons. As to the authority by which these charters are created—it is not deemed important to enter into that question; it has already been brought to the notice of the General Government, which unquestionably, has a deep interest in it—but the liability of the Territory for the Banks, in the shape of Bonds amounting to near four millions of Dollars, should never cease so long as it endures, to occupy the attention of the Representatives of the People: It is to be desired that the Territory could be separated entirely from the Banks; that by some negotiation with the Bondholders, her securities may be taken up and cancelled, and the Bonds and Mortgages of the Stockholders substituted for them; and with such substitution, the Bondholders might be placed in the relative position the Territory now occupies towards the Banks—appointing Directors and receiving such benefits as the charters provide for the Territory. So far from there being *bad faith* or a want of *honor* or *honesty* in repudiating these bonds,—it is entirely consistent with *good faith* thus to deal with them. They were obtained through a Legislation partial and unjust. What right had a few hundred Stockholders to make the whole people tributary to *their* schemes of moneyed aggrandizement? In the whole East, there are *but few shares* of stock owned in the Union Bank, and the Bills of that Institution have never been available there. Why should the people of the East then, be liable for the Debt of a Bank, in which they have no ot or part and which has not benefitted them, nor is likely to benefit them, in any respect? The Bills of the Pensacola Bank have perhaps never been seen in East Florida—and is it *honor* and *justice* and *good faith* that the people of that District should be bound in half a million for that Bank? The Bills of the Southern Life Insurance and Trust Company have been more generally useful as a circulating medium; but its favors have been partially bestowed; the promises with which it sat out, disregarded; its affairs it is firmly believed, mismanaged, and its concerns conducted, like these

of most Institutions of like kind, for the profit of the *few* to the injury of the *many*. Why should the people and their posterity be required to groan under a load of Debt for these Institutions? Is it *good faith* and *justice* to *Florida*, to bind her hand and foot to corporations, which have done nothing for her, and require her to do every thing for them? Where is the money, these Banks have, in the form of *bonds* or any other form, brought into the Treasury; and what have they produced but appearances of prosperity, sometimes so unreal as to remind us of those fruits that are said to grow upon the shores of the Dead Sea;—they are beautiful to the eye but dust and ashes in the core, and bitter to the taste? Again, is it according to the principles of good faith and honor to hold out the belief, that the people are responsible for obligations, they never intend to discharge? It will not do to say “they never will be called on to pay!” No man can speak with certainty of the future. The charters may ultimately work *well*, but so far, they have worked *ill*;—and the fallacy resting at the base of these transactions, is sufficient to induce us, to get rid of these Bonds, as speedily as possible. They purport to bind the Territory, and when pay day comes, if the Banks cannot redeem them, their holders will look to the people, *who never will consent* to bear the burthen of taxes, required to discharge them. Why should the holders of these Instruments be longer deceived? They possess bonds *which they never can collect* from the Territory. It is proper, they should distinctly understand this truth. It is to their interest, to take the Security which the Bonds and Mortgages of Individuals afford, and relinquish “the moonshine” in the shape of Territorial faith, which when they attempt to touch, will elude the grasp. I ought not to omit to mention, that during the past year an exertion was made to disinter and reanimate at St. Joseph, the long departed but never to be forgotten “Magnolia Bank.” This attempt to quicken a “Heart under the very ribs of death”—proved abortive, and will not probably, be again repeated.

In the last annual message, *scrutiny* was recommended; that recommendation is repeated. The Legislature should possess itself of a thorough knowledge of the condition of the Banks. If they can be sustained and made useful to the public, they should be; if not, the sooner their affairs are wound up—always having in view the interests of those who are indebted to them—the better. At all events, the evils of a depreciated currency, with which the country is afflicted, should be brought to an end. Let a period be fixed for specie payments and in coming to a determination upon this delicate subject;—let the chartered rights of the Banks, the pressure upon the community; the present short crop of cotton—and the difficulty of relapsing from a state of distension and plethora to a sound and healthy condition, be all fairly weighed and considered. I would not if I could, pull down these Institutions and scatter their fragments to the winds; such disorganization neither comports with my principles or feelings;—but I deem it the duty of the Legislature to set apart a day for the resumption of Specie payments—regarding in so doing, as far as possible, the con-

venience of the Banks, and the convenience of their debtors—but regarding still more the general convenience and the public good. If the Banks will pay Specie, our *ills* are at an end,—nor is it considered an impracticable operation to return to a *metallic* currency, within a reasonable time. In the East and the South, where the people have willed it—Gold and Silver have appeared at their bidding. Gold and silver pieces are as common beyond as a paper currency of all sorts and sizes is on this side the St. Lawrence, and it is remarkable, to the West of that River, the precious metals are only to be seen in trinkets and ornaments. In Key West a supply of specie has been usually in circulation. The Will of the People can be made to act with the potency of a spell upon this subject, and Treasures will flow in abundantly whenever it requires them. With a strictness of dealing on the part of the Legislature and the exercise of prudence and forecast on the part of the Banks—it is not denied that the latter may be made eminently useful to any country; but whenever it shall so happen, that Bank paper is permitted to expand beyond the means of redemption—and there is a general indebtedness to these Institutions; above all, whenever they shall attempt to influence Elections, and seizing upon political power, to rule the Land—Liberty itself is in danger—unless the People—a vigilant and determined People—come promptly to the rescue.

It is supposed by some, that an alleviation to our troubles is to be found in Stop or Stay Laws. Those who entertain such opinions are deluded. Such laws have not succeeded in those States where resort has been had to them, but have produced a disregard of contracts, and a want of credit, which have but increased embarrassments, impaired the moral sense, and deepened wretchedness. Besides, it is believed such laws cannot be adopted, without infracting the Organic Law, and violating the Constitution of the United States. The remedy is to be found in a rigid economy, both of banks and people—let the first retrench their loans, and both their expenses—let the creditor exercise forbearance to the debtor, and the debtor exert himself to pay his creditors—let property be taken in payment of debts, at liberal prices, and specie be demanded as seldom as possible. It is understood that the Union Bank has set an example, which deserves to be followed—no new loans are made, and partial payments only are required from her debtors. A determination carried out of contracting no new debts, accompanied by frugality and plainness of living—mercy on the part of the creditor, and justice on that of the debtor—will do more for the relief of our People, than the most cunningly devised *Relief Laws*, that could be framed by human ingenuity.

By the law of the land, it is not permitted to any person or company, to issue change bills below the denomination of one dollar. Is not this law every day violated—and does not the common use of such small-change banish coin from circulation, which, if the paper, were withdrawn, would soon supply its place?

There are many acts of Incorporation, which should long since have been swept from your statute books, either by the action of

the Legislature, or of the Courts. Among them are, the acts incorporating the Jockey Clubs of Tallahassee and Quincy, and the Dade Institute. The sports of the Turf might be enjoyed, by those who affect them, without corporate privileges; and the act establishing the Institute just mentioned, is one of the wildest productions of incorporating fury. It is not intended to deny good intentions and good feelings to its founder, and those who support him—but no one can read the statute, without perceiving how extravagant, and utterly impracticable are its provisions.

The condition of the bank of Pensacola has been adverted to. I deem it my duty to say, if after a due investigation of the affairs of that Institution, it shall appear, that the bank can be placed in a state of entire solvency, by the completion of the Rail Road, with which it has connected itself, a petition should be preferred to Congress, for a grant of land to enable the Company to complete that work. If the Rail Road, in full operation, would revive the sickly fortunes of the bank, it would also be conducive to the prosperity of Pensacola.

Our people have sustained severe losses during the present Indian war, and the question whether they shall remain unrequited and undemnified, is one of great interest to the Territory. The United States were the guardians, and so to speak, the *keepers* of the Seminole Indians; without consultation with the people of the Territory, they made treaties with them, and attempted their removal when unprepared to effect it. The soldiery, at the breaking out of the war, was withdrawn, to a man, from the East of the St. Johns, and then followed—the utter ruin and destruction of the valuable sugar and cotton estates below St. Augustine—other devastations ensued; lives were lost, and feelings lacerated, for which no Treasury is competent to afford compensation; but if, from a sense of justice, the United States have consented to pay for losses of property in 1812 and 13, because they stimulated the rebellion against the Spanish authorities, and sanctioned the injury to Spanish subjects, much more are they bound to pay their own citizens, for losses sustained through the negligence and want of preparation of the Government. The rules which apply to civilized warfare, do not attach to this. The United States should not have attempted the removal of the Indians, unless in a condition to accomplish it. Every one knows, if a large force had been provided at the time, the removal had been effected, without war and bloodshed. As it was, the Indians took advantage of our weakness, and correctly calculated, and made the most of their own strength. The Government is responsible for *its own laches*. If he who has the custody of a beast of prey, in carrying him from one place to another, through negligence, suffers him to escape, and destroy life and property, on the plainest principles of right and wrong, he is responsible for the damage done. It is understood that nice distinctions are drawn by the Congress of the United States—plantations occupied by United States troops, and destroyed by the enemy, are to be paid for, and none else. The distinction is without a difference; the United States, from want of due caution

permitted the Indians under their care, to inflict suffering and wrong upon our innocent and unoffending people, and every consideration of right and justice, demands that these same United States should make the proper *r paration*. It is recommended to you to take special action upon this important subject.

Heretofore it has been my practice to nominate for Territorial offices, to each branch of the Legislature, and to receive the confirmation upon them, of both Houses. This course is believed to be erroneous; I submit whether the *confirmation* or *rejection* should not be made by joint ballot. According to the organic laws, *the Legislative Council* is required to act upon the nominations of the Governor. Now, if the old practice be pursued, a majority of the Council may assent to the nomination, and yet it may be defeated by a minority of the same body. Suppose, for instance, the House of Representatives unanimously assents, and the Senate dissents in like manner—the majority is in favor of the nominee, and yet he is rejected!! It is respectfully recommended to you, to adopt a joint rule, by which the Senate may con-vene with the Representatives, in the Representative Hall, and ballot upon the nominations, from time to time made by the Executive. My convictions on this head are strengthened by the first section of an act passed on the 21st of January, 1829, entitled an “act to authorize the citizens of the Territories of Arkansas and Florida, to elect their officers, and for other purposes.” The provision is—“That the citizens of the Territory of Arkansas, qualified to vote, shall and may, at such time and place, and under such rules and regulations as the Legislature of the Territory may prescribe, elect their officers, civil and military, except such as by the laws of Congress are to be appointed by the President of the United States, and except also, Justices of the Peace, Auditor and Treasurer of said Territory, who shall be chosen *by joint vote of both houses of the Legislature*. at such time, and for such term of service as the said Legislature may prescribe;” and again, by the fourth section, it is declared, “that it shall be lawful for the qualified voters of the Territory of Florida, to elect their officers, civil and military, in such manner, and under such *rules, regulations, restrictions and conditions*, as are prescribed in the two first sections of this act.” Does it not seem, as the Legislative Council of Florida now *consists* of two Chambers, the Auditor and Treasurer, and Justices of the Peace, should be chosen by joint ballot, and if the principle be just as to these officers, why not so, in regard to others, who are required by the law to be nominated by the Governor? I wish it was the practice to require the Legislature to nominate, and the Governor to approve; but as it is otherwise, the Executive must be expected in all cases, to exercise the discretion vested in that department, by the laws of Congress.

Your Treasury is without funds to meet the current expenses—it has not yielded money enough to pay the salaries of the Territorial officers dependent upon it during the last year. That policy which would drain the purses of the people to provide for public wants, is ruinous and oppressive—but there are expenses which, even under a Territorial government, must be incurred, and can only be defrayed

by taxation. Among the objects for which expenditures are necessary, are the apprehension and prosecution of criminals, and Jailers, Sheriffs, and Marshals fees, for the arrest and safe keeping of prisoners. You cannot enforce your criminal laws without providing for these—but I am inclined to think, a very limited list of subjects, with a proper rate of taxation upon them, would furnish the Territory with sufficient revenue for every legitimate purpose, and from those, too, who are best able to bear the burden. I suggest therefore, for the purpose of supplying the wants of the Treasury, that a tax be levied upon billiard tables, circusses and shows, pleasure carriages, race horses, taverns, licenses to retail spirituous liquors, banks unless their charters contain some inhibitory provision, auction sales—and I would add, though it is confessed with hesitation, *upon every device of professional gaming*. Heavy taxes, and heavy penalties to enforce their payment, would probably check at least, the progress of this ruinous vice. Your laws against gaming are severe enough to extinguish the offence, and banish the offenders from the Territory—if the severity of human laws could effect any thing. But the evil has gone on, increasing year after year, to the detriment of public morality, and the encouragement of a passion fatal in the disastrous excesses to which it leads! Should you deem a more extended range of taxation necessary—it is recommended that no taxes be levied upon the lands, negroes and other property of those who have been driven from their homes, or kept from the cultivation of their lands by the existing Indian war. Might it not be proper to appeal your Collectors and Assessors for the several Districts in the Territory, rather than for the Counties?

There are certain claims against the Territory in East Florida, for services rendered and provisions furnished during the present War—which were existing when I came into office, and the evidences of which, I regret, cannot, through adverse circumstances, be presented to you. Of the Claims of the first Class mentioned, are those of Colonel Robert Brown of Columbia County in behalf of his Regiment, and of Major Isaac Garrason of Alachua for his Battalion for services in the field as they insist, under the orders of the Governor. After the adjournment of the last Session of the Council, I deputed a Commission consisting of the Adjutant and Inspector General and the Quartermaster General to Newnansville in Alachua, to examine these and other claims—but owing to the shortness of the sojourn of these Officers, and to some misapprehension between them and the claimants—no thorough examination was had. It was then determined by me, to examine them in person, during a visit to the East, which had been fixed for the month of May, but did not from the pressure of public duty, take place until August. Circumstances beyond my control did not allow me to carry my intention into effect, and these claims are yet outstanding and unliquidated. I commend them to your serious and favorable consideration, and if upon ascertaining the amount due, the Territorial Treasury is inadequate to their payment, I recommend a strong appeal to Congress in the form of Resolution or Memorial. All just Claims should be settled by the Government—and speedily.

The opinions heretofore expressed to you, upon the subject of entering the Union as a State, are unchanged. To divide the Territory at this moment would be productive of numerous disadvantages both to the East and the West. Hereafter should it be desirable and considered beneficial to both Sections, an arrangement may be entered into, under the State Government, for Division. Now, when Land and other Speculators are looking down from a distance, upon the peninsula, and anxiously and greedily expecting the termination of the War; when its population has almost forsaken the country, and is only to be found in towns, villages and posts; when the Blacks from the British West India Islands are, as I am credibly informed, holding intercourse with the Main, and Abolitionism is preparing itself for a vigorous onset—*now* is not the time for East Florida to rend asunder the ties that bind her to the West. To her—the policy is suicidal; to the West it is scarcely less so.

John P. Duval Esq. has informed me, he has prepared a Second Volume of Laws, containing private Acts—Acts of Incorporation and Resolutions of the Council, Acts of Congress respecting Florida and the Treaty of Cession, with a copious Index. I have not had time to examine the work, but suggest to you—should it be approved by you—the propriety of soliciting from the General Government, such an appropriation as will procure its publication and distribution throughout the Territory.

I am aware the juncture is not favorable for obtaining appropriations for Internal Improvements from the General Government. If obtained for our Roads and our Rivers, they could not always be applied, while the Indians are unsubdued; but, the improvements and defences of our Bays and Harbours should be constantly urged upon the attention of Congress. Such improvements would be not only for *Florida* but for the *Union*. The Sea Wall at St. Augustine is in an unfinished state—and the Fort St. Marks [Marion] rapidly dilapidating—the completion of the one and the thorough repair of the other should be immediately asked for; the first is necessary to the health, comfort and security of the city—the last for its defence and as an asylum for women and children in the day of trouble, which I trust may never come—but for which a prudent caution should provide. It is surprising, that Fernandina has so long escaped the attention of the General Government, since its position is most eligible for a Naval Depot. The Bars at the Mouth of the St. Johns and the Harbour of St. Augustine, might with a due exercise of skill, be improved. Defences are wanting at Indian Key and Key West. It occurs to me, that an Inspectorship of Customs attached to the Collection District of St. Marks might be established, with advantage, at Cedar Keys, near the Mouth of the Suwannee.

The Code for the punishment of offences by Slaves and Free People of Color is very defective. I ask for it your revision and correction;—it will be found that, among other defects, it does not sufficiently provide for the punishment of those who may aid and consort with the Indian Enemy. In relation to these classes of persons, punishment should follow quickly upon the footsteps of crime, and it is recommended, that an application be made to Congress so

to amend the Organic Law, that all offences by them committed, be brought to a speedy trial, before Tribunals to be established by the Legislative Council for that purpose. Free Negroes should be placed under the guardianship of respectable white persons, and under such superintendence, they may be made useful to the community and themselves.

It has long been my opinion, that the Jurisdiction over Wills and Administrations—estates and Orphans—should be separated from the County Court Judiciary, and confined to a single individual in each county, learned in the Law, with ample power ; with suitable fees to compensate for his labors, and with appeal from his decisions to the Superior Courts.

As the Law at present stands the United States District Attorneys are permitted to appoint Deputies—it is questioned whether the Territory possessed power to authorize such a delegation of authority—or, if so—whether it is prudent to confer it. In the absence of the District Attorney, the appointment of the prosecuting officers, should it seem to me, be vested in the Court.

Should not the election for Delegate be fixed at an earlier Period, than the first Monday in May ? If there is ever a called Session, before that time and after the expiration of a Congress, Florida would not be represented and her interests might suffer in consequence.

I advise that measures be taken to cause the Laws to be published in every Judicial District in the Territory ;—they would have been so published, during the past year, by my order, had not the Secretary of State determined they could be published in three newspapers only. Should not the Decisions of the Court of Appeals be published in the journals printing the Laws, for the information of the Bar and of the People ? In this connection, I take leave to express my regrets, that the Laws of the late Session of the Legislature, have not been distributed, as promptly as they should have been. There has not been a dollar in the contingent fund of the Territory, for the last year, and the Executive has been compelled to transmit the Laws, as opportunity offered—by private conveyance, to various parts of the country.

The Resolutions instructing the Delegate, in relation to several important matters, were duly transmitted to him. I am not aware that any action has been had upon them, at Washington.

I submit to you if it might not be proper to endeavor to obtain for the Judges of the Territory, better Salaries, and a per diem allowance, while they are sitting as a Court of Appeals—and also, an appropriation for a Library for the Court of Appeals.

In proclaiming the Adoption of the Constitution of St. Joseph, I but performed a duty required at my hands by the Convention, and for which I am responsible to the People. None but the People have a right to question and command me upon this subject—but, as there is no mystery about it and nothing to conceal, should the Legislative Council consider it important, a statement of the vote upon the Constitution, will be communicated, upon your request.

Your Criminal Code needs reform—its barbarous punishments should be abolished, and some grave offences, to which light punish-

ments are annexed should be visited with heavy penalties. Look at the punishments of manslaughter—assault with intent to murder—Duelling, and Libel—are they such as to prevent these crimes, or do they not rather encourage offenders to stalk abroad at noon-day, defying the Laws and scorning their judgments?

Erroneous notions seem to have taken root—respecting *Bail*; and it has been held, that the English Rule, which is the Rule adopted by most of the States, does not apply with us; that is to say, a man charged with a capital offence, is less guilty here than elsewhere—and is entitled to lenity and respect from the Laws. Such a position is monstrous, and if there be any doubt as to offences that areailable, and those which are not, it is high time it should be settled by legislative enactment.

The want of Jails retards the enforcement of the Criminal Law. There should be at least one jail in every District; and I recommend you to ask as much, from Congress. Fortunate would it be for this Territory, if that body would aid you, by a Grant of Lands, to establish a Penitentiary. the Fort at St. Augustine might, with re-apprehension of consequences from its infraction, which belong always to the Law abiding and the lovers of peace and good order. There is extant, a spirit above the Laws, which seeks to make a law for itself and relies upon violence for the execution of its purposes; a Spirit which while it triumphs over the Laws of the Land, elevates the Code of *False Honor* and exults in what it miscalls CHIVALRY; a Spirit which if permitted to spread itself, will introduce confusion and bloodshed and death into Society; for there is a point at which the most peaceful and forbearing will resist, and if the laws cannot protect them, Men will defend themselves. The Laws, in this happy country, are but the will and voice of the People, and if the People themselves, do not enforce obedience to their own mandates, they are no longer the Sovereigns of the Land, but the refractory and disobedient lord it over them.

Fellow Citizens, it is a prime and sworn duty pertaining to the official character I hold, "*to take care that the Laws be faithfully executed.*" I have endeavored to acquit myself of this solemn obligation deposited with the Courts. In some parts of the country, certain offences, from their common occurrence, or other cause, may be thought lightly of; and the Juries will visit them lightly; while, elsewhere, the same offences may be deemed of some enormity, and the Juries will punish them with severity. There should be a *maximum* and *minimum* annexed to all penalties, and within these points, the Judicial discretion may safely be left to operate. The Judge will hold the balance even, and distribute equal justice throughout his District.

Appeals in criminal cases ought to be abolished, they but embarrass criminal justice. The Pardoning power stands, in our Organic Laws, in place of the Appeal, and when properly exercised, is as efficacious to the accused.

The Law against carrying Secret Arms does not, it is believed, prevent the practice; indeed, I am constrained to say, of the Criminal Justice, there is not generally that respect for it and wholesome

pairs, be used for that purpose, and the introduction of imprisonment and labor into your penal code—would not fail, as it has done elsewhere, to reform the guilty and promote the cause of humanity.

To prevent frivolous prosecutions, there should be a prosecutor in every case, responsible for costs, in the event of a verdict of "Not Guilty"; and where the proceeding is upon Presentment, it should be the duty of the Grand Jury to furnish the Prosecutor.

It often happens, that a fine is imposed, which the Defendant is wholly unable to pay and then an application is made for Executive Interposition, which, from the necessity of the case, succeeds; thus, he who is without money, is independent of the Law and escapes punishment. Might not the provision be a salutary one, if where the Defendant is unable to pay a fine, imprisonment or some other punishment be inflicted upon him?

To make the laws equal in their operation, the punishing power should in all cases be taken from the Juries, where it is now vested, to the best of my ability—and without feelings of prejudice or partiality to, or against any man. I shall continue to make the same effort, relying upon the wisdom and patriotism of THE PEOPLE OF FLORIDA to support me in sustaining THE SUPREMACY OF THE LAWS.

Allow me to remind you, in conclusion, that we have just passed through the excitements of very strongly contested elections;—these agitations, I am sure, you will agree with me, should be subdued and put at rest; they should not be suffered to impede and warp the progress of legislation. It is only by the exercise of a charitable feeling and conciliatory spirit, that we can make our labors profitable to the Territory—and I assure you, while the Executive adheres to its own political principles, and must be governed by them, it desires to exercise respect, forbearance and tolerance towards the differing opinions of others; but most of all, is it anxious to unite cordially with you, in rendering substantial and acceptable service to our unfortunate and bleeding country.

ROBERT RAYMOND REID.

Executive Office, Tallahassee, Fla. }

January 11, 1841. }

Which was read, laid on the table, and five hundred copies ordered to be printed.

The House then adjourned until 5 o'clock P. M.

5 o'clock P. M.—The House met pursuant to adjournment.

The House went into Committee of the Whole on the Petition of Kenneth Bemby, Mr. Stephens in the Chair. After some time spent in consideration thereof, the committee rose, and the chairman thereof reported progress, and asked leave to sit again—which was concurred in.

The House then adjourned till to-morrow 10 o'clock, A. M

TUESDAY, January 12th, 1841.

The House met pursuant to adjournment—a quorum being present, the journal of yesterday's proceedings was read.

On motion of Mr. Mosely, a committee was appointed to draft rules for the government of this House during its present session. Messrs. Mosely, Brown and Smith, composed that committee.

On motion of Mr. Bush, five hundred additional copies of the Governor's message were ordered to be printed, to be, as before, divided between the two presses of this city.

His Excellency the Governor, transmitted to the House the following message :

EXECUTIVE DEPARTMENT, }
Tallahassee, January 11th, 1841. }

*To the Honorable the House of Representatives
Of the Legislative Council of Florida :*

I herewith transmit to you a "statement" of the condition of the Union Bank, just received from John G. Gamble, Esq., the President of that Institution.

ROBERT RAYMOND REID.

Which was read, and with the accompanying documents laid on the table

On motion, the House proceeded to the election of Enrolling and Engrossing Clerks—after several ballotings, Neill McPherson and Caspar J. Papy were duly elected.

The House then adjourned until 4 o'clock P. M.

4 o'clock P. M.—The House met pursuant to adjournment, and proceeded to ballot for a third Enrolling and Engrossing Clerk;

After several ballotings, the election was suspended.

Mr. Mosely, from the select committee appointed to draft rules for the government of this House, reported certain rules for its adoption, which were read, and fifty copies ordered to be printed.

The resolution offered on a former day by Mr. Evans was read a second and third time, and laid on the table.

The Preamble and Resolutions introduced by Mr. Elzuardi on yesterday, were read a second and third time, laid on the table, and 50 copies ordered to be printed.

The House went into Committee of the Whole, on the petition of Kenneth Bembry, Mr. Stephens in the Chair. After some time spent in consideration thereof, the Committee rose,

The Preamble and Resolutions introduced by Mr. Elzuardi

on yesterday, were read a second and third time, laid on the table, and 50 copies ordered to be printed.

The House went into Committee of the Whole, on the petition of Kenneth Bembry, Mr. Stephens in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported progress, and asked leave to sit again—which was concurred in.

The House then adjourned until to-morrow, 10 o'clock A. M.

WEDNESDAY, January 13th, 1841.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

On motion of Mr. Thigpen, Mr. Edmund Bird, member elect from Alachua County, was sworn as a member of this House.

A balloting took place for a third Enrolling and Engrossing Clerk—William C. Bryau was duly elected.

The three Enrolling and Engrossing Clerks were, on motion of Mr. Duval, sworn into office.

On motion of Mr. Brown, the rules reported from the Select Committee on yesterday were amended, laid on the table, and fifty copies ordered to be printed.

Mr. Duval gave notice that he will, on some future day, ask leave to introduce a bill to amend the Election Laws.

The Speaker appointed the following Standing Committees, viz:

Committee on the Judiciary.

Messrs. Mosely, Chairman,	Messrs. Brown,
Stephens,	Fontane,
Smith.	

On the Militia.

Messrs. Myers,	Messrs. Priest,
Taylor,	Nunes,
Thigpen.	

On Finance.

Messrs. Stephens,	Messrs. Fontane,
Mosely,	Elzuardi,
Evans.	

On Elections.

Messrs. Nunes,	Messrs. Church,
Bryan,	Bell,
Thigpen.	

On Claims.

Messrs. Priest, Evans. Bannerman.	Messrs. Bird, Bryan,
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On Enrolled Bills.

Messrs. Bush, Stephens, Duval.	Messrs. Bird, Myers,
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Schools and Colleges.

Messrs. Taylor, Smith, Miller.	Messrs. Sadbury, Pent,
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State of the Territory.

Messrs. Smith, Duval, Siephons.	Messrs. Elzuardi, Bell,
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On Banks.

Messrs. Brown, Bush, Mosely.	Messrs. Priest, McKinnen,
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On Agriculture.

Messrs. Fontane, Bryan, Bannerman.	Messrs. Cone, Miller,
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On Internal Improvements.

Messrs. Duval, Thigpen, Myers.	Messrs. Evans, Fontane,
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Fifty copies thereof were ordered to be printed.

Mr. Cone moved that a committee be appointed to report a bill to authorise by law the manner of proving losses in the Territory of Florida, by Indian depredations—which was read and laid on the table.

The Senate transmitted to the House the following Preamble and Resolutions

Whereas, The mild and conciliatory, but mistaken policy hitherto pursued by the Government of the United States, in their efforts to terminate the barbarous and depopulating savage war, which has so long raged within our borders, so far from affecting that desirable result, has but stimulated the Indians to a continuance of their cruel butcheries: *And whereas*, intelligence has been received that Lieut. Col. Harney, of the United States army, has assumed the responsibility of exercising the unquestionable right of retaliating upon the treacherous murderers of the "Caloosahatchie," and the inhuman perpetrators of the dreadful massacre at Indian Key, by executing a portion

of the warriors of that band, recently captured in the everglades : *And whereas*, it is the opinion of the people of Florida, (who by fatal experience, have become best acquainted with the circumstances,) that sound policy, and a spirit of true and enlightened humanity, urgently require the immediate adaptation of retaliatory measures on the part of our Government. Therefore,

1. *Be it Resolved by the Senate and House of Representatives of the Territory of Florida*, That this Legislative Council do, in the name of the people of Florida, tender to Lieut. Col. Harney, of the United States Army, now operating in Florida, their cordial thanks for zeal and energy displayed by him as an officer, in the prosecution of the heretofore humiliating, and yet harassing Indian war, which has so effectually desolated the fairest portion of our afflicted Territory.

2. *Be it further Resolved*, That as the guardians, as well of the honor, as to the interests of our constituents, we do unanimously approve of the course pursued by the said officer in his late gallant affair with the Indians in the Everglades.

3. *Be it further Resolved*, That as commemorative of our approbation and gratitude for the distinguished services and unabated zeal of this gallant officer, his Excellency the Governor of the Territory, be requested to cause to be prepared a sword with a suitable inscription, and to present the same to Lieut. Col. Harney, in the name of the people of Florida.

Which were read and laid on the table.

The House went into Committee of the Whole, on Mr. Kenneth Bembry's petition, Mr. Stephens in the Chair. After some time spent in consideration thereof, the Committee rose, reported progress, and asked leave to sit again—which was concurred in ; and one hundred copies of said petition, and of all the documents connected therewith, were ordered to be printed.

The House adjourned until to-morrow, at 10 o'clock, A. M

THURSDAY, January 14, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings was read.

Mr. Branch moved that the affidavit of F. B. Whiting be printed with the other documents printed in connexion with the petition of Kenneth Bembry.

The Ayes and Noes were called for on this motion, by Messrs. Brown and Bannerman, and were,

Ayes—Mr. Speaker, Messrs. Bird, Cone, Elzuardi, Fon-

tane, Mosely, Nunis, Pent, Priest, Smith, Taylor, and Thigpen—12.

Noes—Messrs. Bannerman, Brown, Bryan, Bush, Church, Duval, Evans, McKinnon, Miller, Myers, Sadbury, Stephens, 12.

So said motion was lost.

Mr. Thigpen gave notice that he would, on some future day, ask leave to introduce a bill entitled, an act to repeal the 3d section of an act, approved March 2d, 1839; which gives the appointment of militia officers to the Governor of this Territory.

Mr. Evans gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, an act to authorise Daniel Campbell to establish a ferry across the Escambia River.

Also a bill to be entitled, an act to provide for the appointment of clerks of markets.

Mr. Brown presented the petition of John H. Hopkins, which asks the incorporation of a Company for the purpose of carrying the mail from Brunswick via Tallahassee to Mobile.

Which was read and referred to the Committee on Internal Improvements.

The Senate transmitted to the House [the following Preamble and Resolutions, as having been adopted by that body.

WHEREAS, it has been the custom of the President of the United States, in making appointments to office in our Territory, to select men who reside in the States, who have no community of interest with us, and

Whereas, such appointments, in most instances, are at variance with the wishes of the People of Florida; though their government be a mere Territory, have, as American citizens, some rights, and among them is the right of complaining when they have been wronged, and

Whereas, it has become an oppressive evil; the persons appointed for electioneering purposes, are sent among us to exercise the duties of officers, which would be better filled by resident citizens, thus preferring the hackneyed and cast off politicians of the States, to men of merit, of character and of talent, who have identified themselves with Florida, and

Whereas, a change will soon take place in the Administration of the Government of the United States, and that the President elect may know the wishes and sentiments of the People of Florida on this subject, therefore be it

Resolved by the Governor and Legislative Council of the Territory of Florida, That the General Government in thus sending among us, to administer our laws, without our consent, expressed or implied, "persons who are strangers to the country, and who may be hostile to our institutions, is doing vio-

lence to the rights of the people, and to the best interest of Florida."

Resolved, That a copy of these resolutions duly authenticated, be sent without delay to the President elect, Gen. Wm. H. Harrison, and one copy to each of the members of the Senate of the United States, and our Delegate in Congress.

Which were read and ordered for a second reading to-morrow.

Mr. Myers offered the following Resolution, viz:

Resolved, That the Committee on Finance, be requested to furnish to this House, an estimate of the annual appropriations made by Congress, for defraying the current civil expenses in Florida, and also to report, if under the St. Joseph Constitution, said expenses would be increased or diminished.

Which resolution was adopted.

The resolution offered on a former day by Mr. Evans, with regard to procuring the organic laws, &c.; was again read and referred to a Select Committee, and said committee instructed to make inquiries of the Secretary of the Territory, as to the number of copies of Duval's Compilation that were in his office, and also of the organic laws and the laws passed by the last Legislative Council.

Messrs. Stephens, Evans and Mosely, composed said Committee.

The Governor's Message in relation to the statement of the Union Bank, was, with said statement, taken from the table and placed among the orders of the day for to-morrow.

The Senate transmitted to the House the following resolution as having passed that body, viz:

Resolved by the Senate and House of Representatives, That the Governor be requested to furnish to the Council, a statement of the votes of the people upon the adoption of the Constitution, passed by the late St. Joseph Convention, together with the original Poll Books and other returns, that the same may be deposited among the archives of the Territory, after such action thereon, as the Legislature may think proper.

Which was read and ordered for a second reading to-morrow.

The House then adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House met pursuant to adjournment.

The House went into committee of the whole on the resolutions from the Senate relative to the execution of certain Indian Warriors by Lieut. Col. Harney. Also the resolutions

upon the same subject, offered on a former day by Mr. Elzuardi.—Mr. Thigpen in the Chair, after some time spent in consideration thereof, the committee rose, reported the resolutions of the Senate to the House amended.—Which report was agreed to, and said resolutions laid on the table.

The House went into committee of the whole upon the petition of Kenneth Bemby—Mr. Stephens in the Chair—after some time spent in consideration thereof, the committee rose, reported progress, and asked leave to sit again.—Which report was concurred in.

The House then adjourned until to-morrow 9 o'clock, A. M.

FRIDAY, January 15th, 1841.

The House met pursuant to adjournment; a quorum being present, the Journal of yesterday's proceedings was read.

On motion of Mr. Thigpen, Mr. Fernandez, a member elect from Duval County, was sworn as a member of this House.

On motion of Mr. Mosely, the House went into an election of a printer, to print the miscellaneous printing of this House. Upon the first ballot, there being no choice, the balloting was suspended for the present.

Mr. Nunis gave notice that he will, on some future day, ask leave to introduce a bill, to authorise Louthor Taylor to keep a Ferry across the Escambia River.

Mr. Myers offered the following resolutions, viz :

Resolved, That so much of the Governor's message as relates to the Indian War, to a State Government, to the erection of Jails in the several Judicial districts, and the propriety of memorializing Congress for a grant of land for the erection of a Penitentiary, be referred to the Committee on the State of the Territory;

That so much thereof as relates to the currency and condition of the Florida Banks, be referred to the Committee on Banks;

That so much thereof as relates to the policy of Stay Laws, so much thereof as relates to Wills and Administrations, to Estates and Orphans, so much thereof as relates to a revision of the Criminal Code, and an increase of the salaries of the United States Judges, be referred to the Committee on the Judiciary;

That so much thereof as relates to claims and compensation for losses by Indian depredations, be referred to the Committee on Claims;

That so much thereof as relates to the revenue, be referred to the Committee on Finance;

That so much thereof as relates to the reorganization of the Militia, be referred to the Committee on the Militia ;

That so much thereof as relates to the improvement of our Roads and Rivers, our Bays and Harbors, be referred to the Committee on Internal Improvements.

Which were read, and ordered for a second reading to-morrow.

Mr. Stephens, from the Select Committee appointed on yesterday, to make certain inquiries of the Secretary of the Territory, reported that the Secretary had informed the Committee there were a sufficient number of copies of Duval's Compilation, of the Organic Laws, and the laws passed at the last session of the Legislative Council, to furnish each member of this House with a copy—which report was received and assented to.

The resolution offered by Mr. Evans on the 8th inst. was then taken up and adopted.

The Resolutions transmitted from the Senate on yesterday, relative to the appointment of officers in this Territory by the President of the United States, were again read, laid on the table, and manuscript copies ordered.

The Resolution transmitted from the Senate on yesterday, requesting of the Governor a statement of the votes upon the adoption of the Constitution, was again read and laid on the table.

The Resolutions voting Col. Harney a sword, were taken from the table, and ordered to be engrossed.

The Governor's message in relation to the statement of the Union Bank, was again read, and 100 copies thereof, together with said statement and accompanying documents ordered to be printed.

The House went into Committee of the Whole, on the petition of Kenneth Bemby, Mr. Stephens in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported to the House the following Resolutions, viz :

Resolved, That it appears to this Committee from the testimony introduced, that the election at the precinct at Shell Point was illegally conducted, inasmuch as the Inspectors appointed by the Judge of the County Court of Leon County did not act, nor were those who did act appointed by a majority of the people then present ; that the persons who did act on that occasion were not sworn, and that some of them were drunk by their own confession, and that no Clerk was appointed or sworn ; but that the Committee is of opinion that the mal-conduct of the Inspectors at said precinct does not disfranchise the the legal voters who attended and offered their votes at said election.

Also the following, viz:

Resolved, That the election of either Mr. Branch or Mr. Bemby is—in the minds of this committee—involving in doubt, and so far find themselves incapable of entertaining other conscientious opinion.

Resolved, That this committee are of opinion that to prevent possible injustice being done, a new election should be held in Leon county; and that the seat claimed by Joseph Branch and Kenneth Bemby be declared vacant.

Which were read and laid on the table till Monday next.

The House then adjourned until Monday next, 12 o'clock.

MONDAY, January 18, 1841.

The House met pursuant to adjournment; a quorum being present, the Journal of yesterday's proceedings was read.

Mr. Bush gave notice, that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to amend the law relative to Executions.

Mr. Brown presented the petition of Jesse H. Willis, praying that he be permitted by law to manumit his negro slave Eliza;

Which petition was read, and referred to a Select Committee:

Messrs. Brown, Bryan and Fernandez were appointed said Committee.

The Senate sent to this House, as having passed that body, "An act to repeal the last provision of the fifth section of an act entitled, an act to establish a board of Wardens and Commissioners of Pilotage for the Port of Key West;

Which was read and ordered for a second reading on tomorrow.

Also, the following Report and Resolutions:

Mr. Brockenbrough, from the committee on the judiciary, made the following report:

The committee on the judiciary, to which was referred so much of the Governor's message as relates to voting by joint ballot of the two houses upon all nominations made by the executive, have had the same under consideration, and beg leave respectfully to report:

That the act of Congress of the 3d of March, 1823, section second, in defining the duties of the executive, provides that the Governor "shall have power to appoint and commission, by and with the consent of the Legislative Council, all officers, civil and of the militia, whose appointments are not herein (therein) oth-

erwise provided for, and which shall be established by law." That said act is unrepealed. That the act of the 21st January, 1829, entitled, "An act to authorise the citizens of the Territories of Arkansas and Florida to elect their officers, and for other purposes," to which the Governor alludes, in its first three sections, alludes exclusively to the Territory of Arkansas, which at that time had a senate. The first section of that act gives the "citizens of the Territory of Arkansas, qualified to vote," the right, "at such time and place, and under such rules and regulations as the Legislature of said Territory might prescribe, to elect their officers, civil and military, except such as by the laws of Congress then in force, were to be appointed by the President of the United States; and except also Justices of the Peace, Auditor and Treasurer for said Territory, who should be chosen by joint vote of both houses of the Legislature, at such time and for such term of service as the said Legislature should prescribe."

The fourth section of the same act to which the Governor also makes reference, provides, "That it shall be lawful for the *qualified voters* of the Territory of Florida to elect their officers civil and military, in such manner and under such rules, regulations, restrictions and conditions as are prescribed in the foregoing provisions in the two first sections of that act."

We understand the words "qualified voters" of Florida, in the fourth section, to mean the same thing with the words, "citizens of the Territory of Arkansas qualified to vote" in the first section, and both to give certain elections to the people; and the words "rules and regulations" to apply to the words "such rules and regulations as the Legislature of the said Territory may prescribe."

In the 4th section the words restrictions and conditions must mean to extend to the people of Florida the exceptions in the first section, of such officers as by the laws of Congress are to be appointed by the President of the United States, and Justices of the Peace, Auditor and Treasurer, who by said first section were to be appointed by joint vote of both houses of the Legislature of Arkansas.

These officers being thus exempted from the power of the people, the question arises to whom their election was given.—As to those appointed by the President it is clear that those remained with him. As to those to be chosen by joint vote of the two houses of the Legislature of Arkansas, it is equally clear that that act specially giving such power to the joint vote of two houses, in Arkansas, could not be intended without express words to give a similar power to the single house then existing in Florida. Such a construction would have ousted the Governor of his power of nomination, and given the whole subject of nomination and election to the single house of the Legislative Council of Florida, because the election was given to

the joint vote of the two houses of Arkansas.

And that act can not be held to contemplate the future existence of a Senate in Florida established long afterwards.

If it does the Governor has no right to nominate the officers embraced in the second exception of the first section of the act, but the same must be chosen by joint vote of the two houses. We consider then that there was no alteration intended by the act of 1829, in the right of the Governor to nominate and the Legislative Council to confirm.

The next act to be considered is the act of the 7th of July, 1838, which declares that the Legislative Council shall consist of two houses, to be called the Senate and House of Representatives. That act provides no mode by which the two houses shall act upon Executive nominations, and as the power to confirm is given to the Legislative Council, and that council is constituted of two houses, we know of no power or right by which they can act as one house, or by joint vote in any case, unless express authority was given them by the act establishing them.

We therefore recommend the adoption of the following resolutions :

Resolved, That in the opinion of the Senate, the two houses of the Legislature of Florida can not legally act jointly upon the subject of Executive nominations.

Resolved, That a copy of this report and these resolutions be transmitted to his Excellency, the Governor and the House of Representatives.

W. H. BROCKENBROUGH, Chairman.
C. H. DUPONT,
GEORGE WALKER,

Which were read.

Mr. Smith offered the following Resolution, to wit :

Resolved, That a Select Committee be appointed to inquire as to the validity of the sixth section of the act, passed February 11th, 1838, entitled, "An act further to amend the Charter of the Southern Life Insurance and Trust Company," altering the 19th section of the original act, incorporating said institution, to the prejudice of the vested rights of the bill holders, without their express consent ; and to inquire as to the power of the Council to repeal and modify said section, and to report by bill or otherwise.

Which resolution was adopted, and Messrs. Smith, Duval, and Nunes, appointed said Committee.

Mr. Bannerman offered the following Resolution :

Resolved, That His Excellency the Governor of this Territory, be requested to furnish to this House a statement of the amount of money that was turned over to him by his predecessor.

ser, borrowed on the faith of the Territory for the protection of the frontier: the amount borrowed by himself for the same purpose; the amount which has been disbursed and paid out for the supplies of the troops in the Territorial service; the amount paid said troops for their services; the number of troops that have been employed by him in the service of the Territory, and the length of time they have served; also, the amount that is now due said troops, and due for supplies furnished the same; and also the number of troops that are at this time in the Territorial service.

Which was read.

The resolutions offered on a former day by Mr. Myers were taken up. Mr. Duval offered the following amendment, viz:

Resolved, That so much of the Governor's message, as relates to a compilation of a second volume of Laws by John P. Duval, Esq., be referred to a Select Committee.

Which was adopted;

The Resolutions were then put upon their passage, and adopted;

The following gentlemen were appointed the Committee, agreeable to the amendment: Messrs. Stephens, Brown and Fernandez.

The Resolutions from the Senate, voting Col. Harney a sword, &c., were adopted, as amended by the House, which amendment was: that copies of the resolutions be sent to the President of the United States, Secretary at War, Lieut. Col. Harney, and all other field officers, both of the United States army and militia of Florida, in actual service.

The resolutions reported to the House by the Committee of the Whole, on the petition of Kenneth Bembry were taken up.

Upon the adoption of the first resolution, the ayes and nays were called for by Messrs. Smith and Duval, and were:

AYES: Mr. Speaker, Messrs. Bannerman, Bell, Bird, Brown, Bryan, Bush, Church, Cone, Duval, Elzuardi, Evans, Fernandez, Fontane, McKinnon, Miller, Mosely, Myers, Nunes, Pent, Priest, Sadbury, Smith, and Stephens—24.

NAYS: Mr. Thigpen.

So the first resolution was adopted.

The ayes and noes were called for on the adoption of the second resolution, by Messrs. Smith and Priest, and were:

AYES: Mr. Speaker, Messrs. Bell, Bird, Brown, Church, Cone, Elzuardi, Fernandez, Fontane, Mosely, Myers, Nunes, Pent, Priest, Smith and Thigpen—16.

NAYS: Messrs. Bannerman, Bryan, Bush, Duval, Evans, McKinnon, Miller, Sadbury, Stephens—9.

So said second resolution was adopted.

Upon the reading of the third resolution, Mr. Stephens moved to

amend it, by striking out the words, "and Kenneth Bembry." The ayes and nays were called for on this amendment by Messrs. Smith and Stephens, and were—

AYES: Messrs. Bannerman, Brown, Bryan, Bush, Duval, Evans, McKinnon, Miller, Myers, Sadbury, Stephens—11.

NAYS: Mr. Speaker, Messrs. Bell, Bird, Church, Cone, Elzuardi, Fernandez, Fontane, Mosely, Nunes, Pent, Priest, Smith, and Thigpen—14.

So said amendment was lost.

The third resolution was then put upon its passage. The ayes and nays were called upon this question by Messrs. Smith and Thigpen, were :

AYES: Mr. Speaker, Messrs. Bell, Bird, Brown, Church, Cone, Elzuardi, Fernandez, Fontane, Mosely, Myers, Nunes, Pent, Priest, Smith and Thigpen—16.

NAYS: Messrs. Bannerman, Bryan, Bush, Duval, Evans, McKinnon, Miller, Sadbury and Stephens—9.

The report of the Committee of the Whole was then concurred in.

Mr. Brown then offered the following Resolution, viz :

Resolved, That a copy of the above resolutions, signed by the Speaker and Clerk of this House, be forthwith transmitted to the Honorable the Judge of the County Court of Leon County, informing him of such vacancy in the representative branch of this Council, from Leon County, that a new election for one member may be ordered according to law.

Which was adopted.

An election took place for printer of this House. Mr. Cosam Emir Bartlett was duly elected.

Mr. Thigpen asked and obtained leave to enter the following protest, viz :—

Mr. Thigpin enters his protest against electing a printer, to do the miscellaneous printing and journals of this House, without first receiving proposals, and making a contract for the same.

The House then adjourned until to-morrow morning, at 10 o'clock.

TUESDAY January 19, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings was read.

On motion of Mr. Myers, the resolutions from the Senate, relative to the appointment by the President of the United

States of officers in this Territory, was taken from the table and placed among the orders of the day.

Mr. Duval gave notice that he will on some future day ask leave to introduce a bill to amend the act relating to the appointment of patrols.

Also a bill amendatory to the act now in force, regulating the appointment and duties of overseers of roads.

Mr. Nunes gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, an act for the relief of Wm. H. Jones, former pilot on the bar of Pensacola.

Mr. Duval presented the petition of Susan Dozier, (formerly Susan Forehand) praying to be divorced from her husband Benjamin Dozier. Which was read, and with the accompanying affidavit, referred to a select committee.—Messrs. Duval, Church, and McKinnon, were appointed that committee.

A bill entitled, an act to repeal the last provision of the fifth section of an act, entitled, an act to establish a board of wardens and commissioners of pilotage for the port of Key West, was read a second time and ordered for a third reading to-morrow.

The report and resolutions transmitted from the Senate on yesterday, to this House, were referred to the Committee on the Judiciary.

The resolution offered on yesterday by Mr. Bannerman, was read a second and third time and adopted.

The House went into Committee of the Whole on the resolutions from the Senate relative to the appointment of officers in this Territory, by the President of the United States. Mr. Brown in the Chair—after some time spent in consideration thereof, the committee rose and reported that the committee had stricken out all of the resolutions of the Senate, after the word "Whereas," and inserted the following in lieu thereof, viz:

In the early settlement of this Territory, it was perhaps necessary and proper, that the most important offices in the gift of the President, should be filled by nominees of established character from the States; yet the period having now arrived, when the number, talents, enterprise, worth and faithful services of many of our resident citizens, qualify them for the discharge, and entitle them to the appointment of all civil offices in this Territory, be it therefore

Resolved, That this Legislative Council, in behalf of the people of Florida, do respectfully urge upon and recommend to the President elect of the United States, that all Executive nominations for civil offices in this Territory, be hereafter made from our resident citizens.

And whereas, the right of electing their rulers is one of the most inestimable privileges of a free people, and one which ought not to be yielded or withheld, unless incompatible with higher interests;

Be it further *Resolved*, That the Delegate from this Territory be requested, without delay, to urge upon the Congress of the United States, the passage of a law, authorising the people of Florida to elect their Governor.

Resolved further, That a copy of this document be forwarded to the President elect of the United States, President of the Senate of the U. S. and to the Delegate in Congress which report was received and said Resolutions read and adapted.

The House took up the rules reported on a former day, and after sundry amendments, adopted them for the government of this House.

RULE 1 The Speaker shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day:—Shall immediately call the members to order, and on the appearance of a quorum shall cause the journal of the preceding day to be read

2. He shall preserve order and decorum—may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put the question, but may state it standing.

4. No member shall speak to any other, or otherwise interrupt the business of the House, or read any newspaper or other paper, while the Journals or other public papers are being read, or pass between the speaker and any other member who may be addressing the House.

5. Every member when he speaks, shall address the chair standing in his place, and when he has finished shall sit down.

6. No member shall speak more than twice on any one debate on the same day, without leave of the House.

7. When two or more members shall rise at the same time, the speaker shall name the person entitled to proceed.

8. When a member shall be called to order, he shall sit down until the speaker shall have determined whether he is in order or not, and every question of order shall be decided by the Speaker without debate, subject to an appeal to the House.

9. If a member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing by the person objecting, that the speaker may be better enabled to judge of the matter.

10. No member shall absent himself from the service of the House, without leave of the House first obtained, and in case a less number than a quorum shall convene, they are hereby authorised to

second the sergeant at arms or any other person or persons, by them authorised, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the House (when a quorum is convened) shall judge sufficient.

11. No motion shall be debated until the same shall be seconded.

12. When a motion shall be made and seconded it shall be reduced to writing, if desired by the speaker or any member, delivered in at the table, and read before the same shall be debated.

13. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to day certain, to commit or to amend; which several motions shall have precedence in the order in which they stand arranged, and the motion for adjournment shall be in order, and the motion to adjourn, or to lie on the table, shall be decided without debate.

14. If the question in debate contain several points, any member may have the same divided.

15. In filling up blanks, the largest sum and longest time shall be first put.

16. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by vote of the House without debate.

17. When the Yeas and Nays shall be called for, by two of the members present, every member within the bar of the House at the time the question was put by the Speaker, shall, (unless for special reasons he be excused by the House) declare openly and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

18. No member shall be permitted to vote on any question who was without the bar of the House at the time the question was put unless by consent of the House; and no motion to permit such member to vote, shall be in order, unless it shall be made before the House proceed to other business.

19. On a motion made and seconded to shut the doors of the House, on the decision of any business which may, in the opinion of a member, require secrecy, the Speaker shall direct the gallery to be cleared; and during the discussion of such motion, the door shall remain shut, and no motion shall be deemed in order, to admit any person or persons whatsoever, within the doors of the Representative Chamber, to present any petition, memorial or address, or to hear any such read.

20. The following order shall be observed in taking up the business of the House, viz: 1st. Motions. 2d. Petitions, memorials and other papers addressed either to the House or to the Speaker thereof. 3d. Resolutions. 4d. Reports of standing Committees. 5th. Reports of Select Committees. 6th. Messages from the Senate, lying on the table, and lastly, orders of the day; but it shall be in order at any time, when no other question is before the House, to move to go into

an election for officers to be elected either by this House or by joint ballot.

21. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority, to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order, after a bill, resolution message, report, amendment or motion upon which the vote was taken, shall have gone out of the possession of the House, announcing their decision. Nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the House thereafter.

22. On a question when the yeas and nays are called for, in the event of a tie, the question shall be decided in the negative.

23. All questions shall be put by the Speaker of the House, and the members shall signify their assent or dissent, by answering *viva voce*, yea or no.

24. The Speaker of the House or the Speaker *pro. tem.* shall have the right to name a member to perform the duties of the chair but such substitute shall not extend beyond an adjournment.

25. Before any petition, memorial or other paper, addressed either to the House or to the speaker thereof shall be received and read at the table, whether the same be introduced by the speaker or a member, a brief statement of the contents of the petition, memorial or other paper, shall verbally be made by the introducer.

26. One day's notice at least shall be given of an intended motion for leave to bring in a bill, and no bill shall be written or printed except by express order of the House.

27. Every bill and all resolutions of a public nature, or for the appropriation of the public money shall receive three readings previously to the final passage of such bill or resolutions, and the speaker shall give notice at each, whether it be the first, second or third reading, which readings shall be on three different days, unless three-fourths of the members shall otherwise direct.

28. No bill shall be committed or amended, until it shall have passed its first reading, after which it may be referred or amended.

29. All bills, resolutions of a public nature, or resolutions for the appropriation of public money, shall be noted by the Speaker at least one day previous to the second reading of the bill or resolutions, at which reading it shall be in order for any member to move its commitment to a committee of the whole house; that it lie on the table; for its indefinite postponement; for its postponement to a day certain not beyond the session; for its commitment to a standing committee; to a select committee; or to amend; which motions shall have precedence in the order above stated.

30. The same rules shall be observed on the third as are required on the second reading of any bill, resolution, or other paper.

31. It shall not be in order to amend the title of any bill or resolution, until it shall have passed its third reading.

32. The titles of bills, and such parts thereof only as shall be effected by proposed amendments, shall be inserted on the journals.

33. The following standing committees, to consist of not less than five members each, shall be appointed by the speaker, at the commencement of each session, with leave to report by bill or otherwise, viz: a committee on the Judiciary; a committee on the Militia; a committee on Finance; a committee on Claims; a committee on Schools and Colleges; a committee on the state of the Territory; a committee on Banks; a committee on Agriculture; a committee on Internal Improvements, a committee on Enrolled Bills; and a committee on Elections.

34. All confidential communications made by the Governor to the House, shall be by the members thereof kept secret, until the House by its resolution, shall take off the injunction of secrecy.

35. All information or remarks touching or concerning the character or qualification of any person nominated by the Governor to office, shall be kept secret.

36. When acting on confidential or executive business, the House shall be cleared of all persons except the Clerks, the Sergeant-at-Arms, and the Door Keeper.

37. The proceedings of the House, when not acting in Committee of the Whole, shall be entered on the Journal as concisely as practicable, care being taken to detail a true and accurate account of the proceedings.

38. All bills and all resolutions of a public nature, or for the appropriation of public money, when they shall have passed the House, after the third reading, shall be carefully engrossed by the Clerks elected for that purpose, and shall be transmitted to the Senate, accompanied with a message stating the title of the bill, resolution or other paper, and asking the concurrence of that body.

39. Messages shall be sent to the Senate by the Clerk of the House, he transmitting the same by the Sergeant-at-Arms.

40. Messengers may be introduced at any stage of the business except while a question is being put, while yeas and nays are being called, or while the ballots are being called out.

41. The Governor and Secretary of the Territory, or any former Governor or Secretary of the Territory, former Members of the Council, Members of the Convention and the Judges of the Superior Courts, shall be admitted to a seat within the bar of the House upon being invited by any Member of the House.

42. The Clerks of the House, the Sergeant-at-Arms and the Doorkeeper, shall be severally sworn by the Speaker, well and faithfully to discharge their respective duties, and to keep secret the proceedings of the House when sitting with closed doors.

43. No bill shall be introduced into the House on the last week of the session, nor shall the above rules or any of them be rescinded or suspended unless three-fourths of the members present otherwise direct.

One hundred copies thereof were ordered.

On motion of Mr. Brown, it is ordered that when this House adjourns hereafter, the hour of meeting shall be 12 o'clock, until otherwise fixed by the House.

The House then adjourned.

WEDNESDAY, January 20th, 1841.

The House met pursuant to adjournment; a quorum being present, the Journal of yesterday's proceedings was read.

Mr. Bannerman gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to incorporate the Methodist Episcopal Church in the City of Tallahassee.

Mr. McKinnon moved that the Chief Clerk of this House be authorised to subscribe for ten copies each of the newspapers published in Tallahassee, to be furnished each member of the House of Representatives during the present session, which motion was laid on the table until to-morrow.

Mr. Duval presented the petition of Alfred A. Fisher, late Sheriff of Leon County, praying that he be allowed certain accounts for keeping prisoners—which was read and referred to the Committee on Claims.

Mr. Brown presented the petition of Jas. B. Dorsey, and a number of the other citizens of Port Leon, praying for an act of incorporation of said town, which was read and referred to a select committee. Messrs. Brown, Bannerman and Taylor were appointed said Committee.

Mr. Smith laid before the House the presentment of the Grand Jury, in and for the Counties of St. Johns and Musquito, made at the October Term of the Superior Court for said counties, 1840; which was read, and referred to the Committee on Finance, on the State of the Territory, and on Banks.

A bill, entitled "An Act to repeal the last provision of the fifth section of an act entitled, an act to establish a board of Wardens and Commissioners of Pilotage for the Port of Key West," was read a third time and passed. Ordered, that the title be as read.

The House then adjourned until to-morrow.

THURSDAY, January 21, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings was read.

On motion of Mr. Elzuardi, Mr. Steele, the Member elect from Hillsborough county, was duly qualified and took his seat as a member of this House.

Mr. Mosely was excused from serving on the Committee on Finance, and Mr. Steele placed on the same.

Mr. Fernandez gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, an act to incorporate the First Baptist Church of the Town of Jacksonville.

Also a bill entitled, "an act to incorporate the Town of Mandarin."

Also a bill to be entitled, an act to incorporate the Town of Jacksonville.

On motion of Mr. Taylor Mr. Fernandez was added to the Committee on Internal Improvements, on Claims, and on the Militia. The rule being for that purpose waived.

Mr. Myers, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, an act to regulate the Banks of Florida, and to compel their resumption of specie payment.

Which was read and referred to the Committee on Banks, and one hundred copies ordered to be printed.

Mr. Taylor gave notice that he will, on some future day, ask leave to introduce a bill to incorporate the Monticello Rail Road Company.

Mr. Thigpen gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, an act to amend an act concerning bastard children in this Territory, approved January the 5th 1828.

Mr. Bannerman pursuant to previous notice introduced a bill entitled, an act to incorporate the Methodist Episcopal Church, in the City of Tallahassee. Which was read and fifty copies ordered printed.

Mr. Cone gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, an act to incorporate a Company to be called the Tampa Bay and St. Johns Rail Road and Steamboat Company.

Mr. Duval from the Committee on Internal Improvements to which was referred the petition of John H. Hopkins, reported the following bill, viz :

A bill to be entitled, an act to incorporate a United States mail line in Florida, and for other purposes.

Which was read and fifty copies ordered to be printed.

Mr. Mosely from the Judiciary Committee, made the following report :

The Committee on the Judiciary, to which was referred a report with sundry resolutions from the Senate, upon so much of the Governor's Message as relates to voting by joint ballot of the two Houses, upon all nominations made by the Executive, have the same under consideration and instructed me to report the same to the House, without amendment, and recommend their adoption.

All of which is respectfully submitted.

W. D. MOSELY, Chm'n.

Which report was received, and said report and resolutions ordered for to-morrow.

The Senate transmitted to the House the following bill as having passed that body, viz:

A bill entitled, an act to repeal the third and eighth section of an act entitled, an act to authorize the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d of March, 1839.

Which was read and referred to the Committee on the Militia.

The motion made on yesterday by Mr. McKinnon, relative to procuring copies of the different papers in this city, was adopted, the rule being waived.

His Excellency, the Governor, transmitted, by his private Secretary, a message containing Executive nominations.

Which was laid on the table until to-morrow.

The House then adjourned until to-morrow.

FRIDAY, January 22d, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings was read.

Mr. Myers gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act amending an act incorporating a Board of Port Wardens and Commissioners of Wrecks at Apalachicola.

Mr. Brown gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, "An act to incorporate the Bank of Tallahassee."

Mr. Priest presented the petition of Rebecca Cole, praying to be divorced from her husband Jacob Cole, which was read and referred to a Select Committee—consisting of Messrs. Priest, Fernandez and Steele.

Mr. Priest offered the following Resolution, viz:

Resolved, That the laws of attachment, as they exist in this Territory, be referred to the Committee on the Judiciary for their improvement; and to report thereon by bill or otherwise.

Which was adopted.

Mr. Priest, from the Committee on Claims, made the following report, viz:

The Committee on Claims, to whom was referred the petition of Alfred A. Fisher, late Sheriff of Leon County, beg leave to REPORT :

That it appears that, in the month of January, 1837, the said Fisher was required to take into his custody two prisoners, Huganin and Kachler, as appears by his accounts herewith annexed; that at that time there was no jail in Leon County; and that the said Fisher was obliged to hire a room for a prison, and to employ a guard for the safe keeping of said prisoners; and the accounts for said expenses and services, amounting to \$258, have been examined and allowed to the said Fisher by the Judge of the Superior Court of the Middle District of Florida; your committee are of opinion, that although some of the said charges are rather high, yet they believe that the accounts of the said Fisher ought to be paid.

Your Committee therefore report the annexed resolution.—All of which is respectfully submitted.

GABRIEL PRIEST, Chairman.

Resolved, by the Governor and Legislative Council of the Territory of Florida, That the Auditor be, and he is hereby authorised and required to audit, and pay to, Alfred A. Fisher, late Sheriff of Leon County, the sum of two hundred and fifty-eight dollars, being the amount of his claim for rent of room for a jail, and guarding two prisoners, in the year one thousand eight hundred and thirty-seven.

Which was read and received, and said Resolution ordered for a second reading on Monday next.

Mr. Brown, from the Select Committee to which was referred the petition of Jesse H. Willis, reported the following bill, viz :

A bill entitled, an "Act to authorise Jesse H. Willis to emancipate a female slave named Eliza—which bill was read, and ordered for a second reading on Monday next.

The report and resolutions from the Senate relative to voting on Executive nominations by joint ballot, were read a second time, and ordered for a third reading on Monday next.

Mr. Myers, from the Committee on the Militia, to which was referred a bill, entitled, an act to repeal the third and eighth sections of an act, entitled an act to authorise the Governor of Florida to raise troops for the defence of the Frontier, and for other purposes, approved March 2d, 1839, reported said bill to the House without amendment—which report was concurred in, and said bill read a second time, and ordered for a third reading on Monday next.

The Governor's message, containing certain nominations, was laid on the table.

The House then adjourned until Monday next.

MONDAY, January 25th, 1841.

The House met pursuant to adjournment; a quorum being present, the journal of Friday's proceedings was read.

Mr. Fernandez gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to amend an act entitled an act constituting a Board of Wardens, Commissioners of Pilotage, and Commissioners of Wrecks for the Port of Jacksonville, and other places therein provided for, approved February 28th, 1839.

Mr. Bush gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act relative to free negroes in the Territory of Florida.

Mr. Fontane gave notice that he would, on some future day, ask leave to introduce a bill, to be entitled, an act to organize the St. Augustine City Guards.

Mr. Myers gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled an act to regulate the fees of Jailors.

Mr. Duval, pursuant to previous notice, asked and obtained leave to introduce a bill, entitled, an act to prescribe the manner of appointing patrols, and for other purposes.

Which was read, and ordered for a second reading to-morrow.

Mr. Mosely offered the following Resolution, viz :

Resolved, That so much of the Governor's message as relates to the admission of this Territory into the Union, be referred to the Committee on the State of the Territory, with instructions to draft a memorial to the Congress of the United States, asking an early admission of this Territory into the Union, as one of the States of the Confederacy.

Which was adopted.

Mr. Cone, pursuant to previous notice, asked and obtained leave to introduce a bill, entitled an act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company; which was read, laid on the table, and fifty copies ordered to be printed.

The Select Committee, to whom was referred the petition of Susan Dozier, made the following

REPORT :

The Report of the majority of the Select Committee, to whom was referred the petition of Susan Dozier, praying to be divorced from her husband, Benjamin Dozier, having had the same under consideration, beg leave to state, that as the sta-

tate of the Territory prescribes a remedy before the Courts, where the parties can appear, and meet each other face to face, answer and be answered, sue and be sued, plead and be impleaded; the majority of the Select Committee ask to be discharged from the further consideration of the subject.

A. F. DUVAL, Chairman—In majority

Which was read and concurred in by the House.

Mr. Duval, from the Committee on Internal Improvements, to which was referred the petition of John H. Hopkins, made the following

REPORT:

Whereas, The increasing settlement, population and business of this Territory, and the prospect after the conclusion of the Indian war, which has long opposed such serious obstacles thereto, of more rapid return to improvement, call for attention to the means of communication by mail throughout the Territory, which, not having been recently extended in equal proportion with other parts of the country, are entirely inadequate to the wants of the community: *And whereas*, there is especially, a total want of any useful and direct mail communication between East and Middle Florida, and between South and Middle Florida, and the mail routes connecting nearly every part of the Territory with the commercial emporiums of the country, both at the North and the West, are extremely circuitous and dilatory: *And whereas*, various places near, and having business with each other, have very imperfect or no connection by mail routes—the consequence of all which is, that both public and private business is much embarrassed. Therefore,

Resolved, by the Legislative Council of the Territory of Florida, That the Congress of the United States, be earnestly requested to establish the following post routes, viz. A tri-weekly Post Coach route, from Tallahassee via Monticello, Madison Court House, and Suwannee Springs to Jacksonville, branching at some suitable point to St. Marys or Brunswick, Georgia; a tri-weekly route by stage and steamboat combined, from St. Augustine, via Jacksonville and St. Marys or Brunswick, to Charleston South Carolina; a tri-weekly steam boat route from Port Leon to Apalachicola, and by stage to St. Joseph; a tri-weekly route by stage and steamboat from Quincy via Rock Bluff to Iola; a tri-weekly steamboat from St. Joseph or Apalachicola via Pensacola to New Orleans; also a mail route by steam boat, at least once a month, from Key West to Port Leon, via Tampa.

Resolved, That our Delegate in Congress be requested to present and urge this memorial, and to obtain information from the Post Office Department, of the relative length and expense of existing mail routes in the Territory, compared with all the routes in the country; also, whether by the establishment and proper combination of the routes herein applied for, the mails cannot be transported between Charleston and New Orleans, in at least one day less time, and with more regularity, than they are during the most important portion of the year, by the most speedy existing route.

A. F. DUVAL,

Chairman of the Committee
on Internal Improvements.

Which Report and Resolutions were laid on the table, and fifty copies ordered to be printed.

His Excellency the Governor transmitted to the House the following Message :

EXECUTIVE DEPARTMENT,
Tallahassee, 25th January, 1841.

*To the Hon. the House of Representatives of the
Legislative Council of Florida :*

I herewith transmit to you the statement of the condition of the Southern Life Insurance and Trust Company, just received from George Field, Esq. President of that Institution.

ROBERT RAYMOND REID.

Which was read, and 100 copies of the Report and Statement of the said Bank ordered to be printed.

The resolution reported from the Committee on Claims, relative to the claims of A. A. Fisher, late Sheriff, &c., was read a second time, and ordered for a third reading to-morrow.

A bill entitled, an act to authorise Jesse H. Willis to emancipate a female slave named Eliza, was laid on the table until to-morrow.

The Senate transmitted to this House a bill, entitled an act to repeal all acts allowing writs of errors or appeals in criminal cases as having passed that body. It was placed among the orders for to-morrow.

A bill entitled, an act to repeal the third and eight sections of an act, entitled an act to authorize the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839, was referred to the Committee on the Militia.

The House went into secret session on Executive business. After some time the door was opened.

The House then adjourned until to-morrow.

TUESDAY, January 28, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings were read.

Mr. Brown gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, an act to incorporate the Iola and St. Joseph Canal and Rail Road Company.

Mr. Duval, moved that the Committee on the State of the Territory be requested to report a memorial and resolutions to this house, memorializing Congress against any course calculated to suffer the Indians to remain in the Territory of Florida.

Which motion was adopted.

Mr. Bannerman gave notice that he will, on some future day ask leave to introduce a bill entitled, an act to establish an academy near Salem Church, in the county of Leon, and to incorporate the trustees thereof.

Mr. Bush gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, an act to abolish all Territorial taxes in the Territory of Florida.

On motion of Mr. Thigpen, Mr. Steel was added to the Committee on the State of the Territory.

Mr. Duval presented the petition of Benjamin G. Thornton, praying for certain things therein contained.

Which was read and referred to a select committee.

Messrs. Duval, McKinnon, Thigpen, Priest, and Steele, were placed upon said committee.

Mr. Taylor presented the petition of Wm. H. Ware, praying that he be remunerated for certain duties performed as *Deputy Marshal*.

Which petition was read, and with accompanying documents referred to the committee on claims.

Mr. Brown presented the petition of F. L. Ming, Ex'r of J. W. Exum, late Marshal of the Western District of Florida, praying that certain accounts of the Territory, against the estate of said Exum, be remitted.

Which was read and referred to the Committee on Claims.

Mr. Duval presented the petition of Michael Ledwith, praying that certain forfeitures therein set forth, be remitted to him.

Which was, with the accompanying documents, referred to the Committee on Claims.

Mr. Duval from the Committee on Internal Improvements, reported the following resolution, viz :

Whereas, an appropriation was made in the year _____, by the Congress of the United States, of ten thousand dollars, for the survey and construction of a road from Tallahassee to Iola, on the Apalachicola River : *And whereas*, said appropriation has not been expended for the object aforesaid, on account of the supposed occupancy by the Indians of a portion of the country through which said road would pass : *And whereas*, by the law of Congress, any appropriation, not expended within two years, reverts back to the general coffers ;

Be it Resolved, That the Delegate in Congress be urged to obtain a re-appropriation of the said sum sun of ten thousand dollars for the survey and construction of the road between Tallahassee and Iola; and that a copy hereof be at once transmitted to the Honorable the Delegate for the Territory.

A. F. DUVAL,
Chairman of the Committee on
Internal Improvements.

Which was read and laid on the table.

Mr. Mosely from the Committee on the Judiciary, to which was referred a resolution directing that committee to amend the attachment laws, reported the following bill, viz :

A bill to be entitled, an act to amend an act entitled, an act to amend an act, regulating the mode of proceeding on attachments, approved February 15th, 1834.

Which was read, laid on the table, and manuscript copies ordered.

Mr. Duval from the Committee on Internal Improvements, reported a bill to be entitled, an act to authorise the Brunswick and Florida Rail Road Company, to construct a Rail Road through the Territory of Florida.

Which was read and ordered for a second reading on to-morrow.

The Senate transmitted to the House, as having passed that body, a bill to be entitled, an act to incorporate the town of Madison Court House.

Which was read and ordered for a second reading on to-morrow.

Mr. Brown, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, an act to incorporate the Stockholders of the Bank of Tallahassee.

Which was read, referred to the Committee on Banks, and one hundred copies ordered to be printed.

On motion of Mr. Mosely, the 20th rule of this House was amended by inserting after the words, "3d. Resolutions," the words "4th Bills," and the after numbers were changed to correspond therewith.

Mr. Bush pursuant to previous notice, asked and obtained leave to introduce a bill entitled, an act in relation to Executions, and Decrees in Chancery.

Which was read, and 50 copies ordered printed.

His Excellency the Governor transmitted to the House the following message :

EXECUTIVE DEPARTMENT, }
Tallahassee, 26th January, 1841. }

*To the Honorable the House of Representatives
Of the Legislative Council of Florida :*

I herewith transmit to you the Annual Report of the Auditor of Public Accounts, for the year 1840.

The Auditor has been recently appointed to office, and labors under much disadvantage in making his Report, in consequence of the absence of the Treasurer, which is occasioned by a family affliction.

ROBERT RAYMOND REID.

Which was read, and the report therein mentioned ordered to be printed.

His Excellency the Governor, transmitted to the House the following communication :

EXECUTIVE DEPARTMENT, }
Tallahassee, 26th January, 1841. }

*To the Hon. the Speaker of the House of
Representatives of the Legislative Council of Florida :*

SIR : The enclosed letter and documents were received by me a few days ago, from Jesse Carter, Esquire, of the County of Alachua, in East Florida. They are so voluminous, that much time would be lost in placing them in such a situation as to enable me to transmit them with messages to both Houses of the Legislative Council. I therefore have to request you to present them to the body over which you preside, that such action may be taken upon them, as the public interest, and the interest of Mr. Carter may require.

I have not had time to examine the claim, and can give no opinion respecting it ; but Mr. Carter is one of the most respectable citizens of the County in which he resides, and in my belief a very worthy and honorable man.

I am, Sir, very respectfully,
Your obedient servant,

ROBERT RAYMOND REID.

HON. PETER W. GAUTIER, Jr.,
*Speaker of the House of Representatives
of the Legislative Council of Florida.*

Which was, with accompanying petition and other documents, referred to a Select Committee—Messrs. Brown, Bird and Bush were appointed said committee.

A bill to be entitled, an act to prescribe the manner of appointing patrols and for other purposes, was laid on the table, and fifty copies ordered to be printed.

The resolution reported by the Committee on Claims, in favor of the accounts of A. A. Fisher, late Sheriff, &c., was read a third time and adopted.

A bill to be entitled, an act to authorise Jesse H. Willis to emancipate a female slave named Eliza, was laid on the table.

The Senate sent to this House, as having passed that body, viz : A bill to be entitled, "an act to repeal all acts allowing writs of error on appeals in criminal cases," which was read, and ordered for a second reading on to-morrow.

On motion of Mr. Duval, Mr. Ledwith, door keeper of this House, was excused from attendance on the House until Friday next.

The House then went into secret session on Executive business. After some time the door was opened.

The House then adjourned until to-morrow.

WEDNESDAY, January 27th, 1841.

The House met pursuant to adjournment; a quorum being present, the Journal of yesterday's proceedings was read.

On motion of Mr. Stephens, Mr. Brown was added to the Committee on Finance.

Mr. Duval gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to authorise certain individuals therein named, to raise a certain sum of money, by way of Lottery, to erect a Masonic Lodge in the city of Tallahassee, and for other purposes.

Mr. Taylor gave notice that he would, on some future day, ask leave to introduce a bill, to repeal an act entitled an act for the relief of the Militia and Volunteers of Florida called into the service of the United States during the present Indian war, approved February 12th, 1836.

Mr. Miller moved that the Committee on the State of the Territory be discharged from the further consideration of the subject of the Indian war, and that all matters in connexion therewith, be referred to the Committee on the Militia.

The ayes and nays were called for on this motion by Messrs. Nanes and Myers, and were:

Ayes—Messrs. Bannerman, Bell, Bird, Bush, Church, Duval, Evans, Fontane, McKinnon, Miller, Sadbury, Smith, Stephens, and Steele—14.

Nays—Mr. Speaker, Messrs. Brown, Cone, Fernandez, Mosely, Myers, Nunes, Pent, Priest, Taylor and Thigpin—11.

So said motion prevailed.

Mr. Nunes, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled an act to authorise Louther Taylor to establish a ferry across the Escambia River;

Which was read, and ordered for a second reading on to-morrow.

Mr. Smith gave notice that he will, on some future day, ask leave to introduce a bill to suppress the issue of shin plaster currency, and the passing of private bills or notes.

Mr. Brown presented the petition of Edward Bolen, Jailor of Calhoun County, praying that certain accounts be allowed him for the keeping of prisoners, &c.;

Which was referred to a Select Committee—Messrs. Brown, Bush and Evans were placed thereon.

Mr. Thigpen offered the following Preamble and Resolutions:

WHEREAS, the road leading from Jacksonville to Tallahassee, is the great thorough fare for travelers, between the East

and West, and the making of which is necessary an object of importance to the citizens of Florida, and

Whereas, There was an appropriation made by Congress, of ten thousand dollars, in the year, to open a road from Jacksonville to the Mineral Springs, on the Suwannee river, which appropriation has not been expended to the opening of said road on account of the occupancy by the Indians of a portion of the country, through which said road would pass, and therefore that has since reverted to the general coffers, therefore,

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best endeavours to procure an appropriation of fifteen thousand dollars for the opening and completion of said road between Jacksonville and Tallahassee, and

Be it further resolved, That a copy of the foregoing preamble and resolutions be signed by the proper officers of the Legislative Council, and forthwith transmitted to the Honorable the Delegate in Congress.

Which were read, and ordered for a second reading on tomorrow.

Mr. Evans, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to authorize Daniel Campbell to establish a ferry across the Escambia River;

Which was read, and manuscript copies ordered.

Mr. Smith asked and obtained leave to introduce a bill, to be entitled, an act to secure the people of this Territory a sound currency ;

Which was read, referred to the Committee on Banks, and fifty copies ordered printed.

Mr. Fernandez, agreeable to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to incorporate the First Baptist Church of Jacksonville ;

Which was read, and ordered for a second reading on tomorrow ;

Also, a bill to be entitled, an act to incorporate the town of Mandarin ;

Which was read, and ordered for a second reading on tomorrow.

Mr. Brown, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to incorporate the Iola and St. Joseph Canal and Rail Road Company;

Which was read, and fifty copies ordered to be printed.

A bill to be entitled, an act to authorize the Brunswick and Florida Rail Road Company to construct a Rail Road through the Territory of Florida, was read a second time, and fifty copies ordered to be printed.

A bill to be entitled, an act to incorporate the town of Madison Court House, was read a second time and ordered for a third reading on to-morrow.

A bill to be entitled, an act to repeal all acts allowing writs of error or appeals in criminal cases, was read a second time and laid on the table,

The House went into Committee on the Whole on a bill to be entitled, an act to incorporate a United States Mail line in Florida, and for other purposes.—Mr. Bannerman in the Chair.—After some time spent in consideration of said bill, the committee rose, and by their chairman, reported the same to the House with sundry amendments.

Which report was received and concurred in, said bill read a second time by its title, and ordered for a third reading on to-morrow.

The House then adjourned until to-morrow 11 o'clock A. M.

THURSDAY, January 28th, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings was read.

Mr. Evans gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to authorise the Port Wardens for the Port of Pensacola to appoint Pilots for Blackwater and Escambia Bays.

On motion of Mr. Steele, one hundred copies of the Statements of the different banks of this Territory, made at the last session of the Legislative Council, were ordered to be printed with the Statements made at this session.

Mr. Smith, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled an act to suppress shin plasters ;

Which was read and laid on the table.

Mr. Myers, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to amend an act entitled an act to establish a Board of Port Wardens and Commissioners of Wrecks for the Port of Apalachicola ;

Which was read, and ordered for a second reading on to-morrow.

Mr. Fernandez, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to incorporate the town of Jacksonville ;

Which was read, and ordered for a second reading on to-morrow.

Mr. Evans, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to provide for the appointment of Clerks of Markets;

Which was read, and ordered for a second reading on Tuesday next.

Mr. Myers, from the Committee on the Militia, to which was referred a bill to be entitled, an act to repeal the third and eighth sections of an act, entitled, an act to authorize the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839, reported the same to the House without amendment,

Which report was concurred in, and said bill placed among the orders of the day for to-day.

A bill to be entitled, an act to incorporate the Methodist Episcopal Church in the City of Tallahassee, was read a second time, and amended so as to prohibit said Church from owning property of a greater amount than one hundred thousand dollars. The rule was then waived, said bill read a third time and passed. Ordered that the title be as above stated.

A bill to be entitled, an act to authorize Louthier Taylor to establish a ferry across the Escambia River, was read a second time, and amended by adding to the last section the following words: "Provided that this act shall not conflict with pre-existing rights." The rule was then waived, and said bill read a third time and passed. Ordered that the title be as stated.

The Senate transmitted to this House, as having passed that body, a resolution allowing certain accounts of A. A. Fisher, late Sheriff of Leon county—which resolution had previously passed this body. It was ordered to be Enrolled:

Also, a preamble and resolution, requesting and directing our Delegate in Congress, to urge upon that body the passage of a law, extending to Mrs. Amanda M. Dade her half pay allowance or pension, for and during the term of her natural life, (if she so long continues unmarried.) Which preamble and resolution were read a first, second and third time, (the rule being waived,) and adopted.

The House went into Committee of the Whole, on a resolution reported by the Committee on Internal Improvements on the 26th inst. and a preamble and resolutions offered on yesterday by Mr. Thigpen, Mr. Mosely in the Chair. After some time the Committee rose, and the Chairman reported progress, and asked leave to sit again;

Which report was concurred in, and said resolutions laid on the table.

His Excellency the Governor transmitted to this House the following message :

EXECUTIVE DEPARTMENT, }
Tallahassee, January 27th, 1841. }

To the Legislative Council of Florida :

I respectfully inform you that I have approved the act to repeal the last provision of the fifth section of an act, entitled "An act to establish a Board of Wardens and Commissioners of Pilotage for the Port of Key West."

ROBERT RAYMOND REID.

Which was read.

A bill to be entitled, an act to incorporate the First Baptist Church of Jacksonville, was read a second time, and ordered for a third reading on to-morrow.

A bill to be entitled, an act to incorporate the town of Mandarin, was read a second time, and ordered for a third reading on to-morrow.

A bill to be entitled, an act to incorporate the town of Madison Court House, was read a third time and passed. Ordered that the title be as stated.

A bill to be entitled an act to incorporate a United States Mail Line in Florida and for other purposes, was read a third time, and put upon its passage ;

The ayes and nays were called for on this question by Messrs. Stephens and Mosely, and were:

Ayes—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Brown, Church, Cone, Duval, Elzuardi, Evans, Fontane, Mosely, Myers, Nunes, Pent, Priest, Steele and Taylor—18.

Nays—Messrs. Bush, Fernandez, McKinnon, Miller, Smith, Stephens and Thigpen—7.

So said bill passed ;

The title was amended so as to read, an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes.

The House went into Committee of the Whole, upon a bill to be entitled, an act to repeal all acts allowing writs of Error or Appeals in Criminal Cases, Mr. Myers in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported progress, and asked leave to sit again ;

Which report was concurred in.

The Senate transmitted to this House, as having passed that body the following Resolutions :

Resolved, by the Senate and House of Representatives of the

Territory of Florida, That the Governor be, and he is hereby authorised and requested to settle, under the act for the relief of the Florida troops during the Indian war, approved Feb. 10th, 1838, the claims of the Regiment commanded by Col. Robert Brown for military services in 1838, for a term of three months and sixteen days, upon the presentation of the muster rolls properly certified.

Resolved further, That the Governor be and he is hereby authorized and requested to settle in like manner the claims of the battalion of Major Isaac Garrison, for like services for a term of six months.

Resolved further, That the Governor be, and he is hereby authorised and requested to allow to each officer and man, such sum for the forage and subsistence provided by himself, as is now allowed such officers and men in the United States service, for such articles as may be respectfully due them.

Resolved further, That immediately upon making such settlement, the Governor be requested to apply to the proper authorities at Washington for the reimbursement of the amount to the Territory of Florida.

Resolved further, That the Governor be required to negotiate no bonds or loans, of any description for the liquidation of any demands against the Territory of Florida whatever, at any rate under par value.

Which was placed among the orders of the day for to-morrow. Also, the following message of the Governor:

EXECUTIVE DEPARTMENT, }
Tallahassee, 25th January. 1841. }

SIR:

Herewith are the presentments of the Grand Jury of Duval county, at the December Term 1840. As the document containing them is of some length and there is not leisure to copy it at this department, for both branches of the Legislative Council, I take leave to transmit it to you with the request, that it may be laid before the Honorable Body over which you preside.

I desire to place these presentments before the Legislative Council, because they refer to subjects of great and growing interest, connected with the peace and prosperity of this Territory.

I have the honor to be

Sir, Very respectfully,

Your Obedient,

ROBERT RAYMOND REID.

Hon. WM. P. DUVAL,

President of the Senate of the

Legislative Council of Florida.

PRESENTMENTS.

The Grand Jury empanelled and sworn in and for the county of Duval, being about to bring their official duties to a close would respectfully beg leave to submit the following presentments :

They would bring to the consideration of the Court, the unsettled state of the country, arising from the continuance of Indian hostilities,—while suffering, danger and death, are daily threatening some of our fellow citizens, no part of East Florida is exempt from the evils incident to our Indian and border war. A lenity of morals and a frequency of crime are the almost inevitable result on every side, they witness evidence of this truth. In a disturbed and unsettled state of the county, the incentives to crime are many and the restraints few. From such a state of things they duly hope for relief, by a removal of the Indians from the Territory. By the frequent charges of those entrusted with the command, hopes of a termination of these difficulties and evils, have been often excited, to be as often blasted, but they never look forward to a change, from which they anticipate the happiest results, by restoring peace to our borders and happiness to our homes.

The Grand Jury would present the management of this war with our insignificant tribe of Indians, without assuming the province of condemning or censuring any of the officers to whom the conduct of the war have been committed. It requires no great wisdom to discover, that it has been unskillfully managed, and unnecessarily protracted, to the great detriment of all East Florida. In the most public and solemn manner they would repel the imputation, which some have been so ready to cast upon them, that the citizens of Florida have contributed to prolong the war, or have desired its continuance, or been benefitted by it. They hail with joy the prospect of an important change in those who are to control and conduct it.

The Grand Jury would present, that a division of the Territory is a subject of great and abiding interest, to the citizens of this part of the Territory, disconnected from the Middle and West, in business, in sympathy and in feeling. They regard a separation from them Territorially as a subject of great concern to the whole of East Florida, and that the assumption of a State Government with the taxes and responsibilities incident thereto, would beget evils and suffering which they are reluctant to encounter.

The grand jury would present numerous instances of a censurable neglect of duty by the justices of the peace, and other judicial officers in this county, and particularly in Jacksonville in not enforcing the laws, by restraining those who, in the most

daring and reckless manner, threatens acts of violence and bloodshed. To this neglect, in permitting men armed, and using the most violent threats, to go unchecked for hours and even days, would they attribute, in no small degree, the fatal affray that took place in May last, and which has been brought to their notice at this session. To prevent a repetition of such acts, tending to disorganise society, and jeopardise the lives of unoffending and quiet citizens; those who are by law conservators of the peace, should be required to discharge, faithfully and fearlessly, their duty by imposing a restraint upon all who armed with deadly weapons, threaten violent and murderous assaults upon others, or who threaten in any manner to violate or disturb the public peace. The Grand Jury would present A. W. Crichton, Esq., assessor of taxes for the district of Mandarin, for neglect of duty in making returns of assessments.

The Grand Jury would present the want of a competent jail in the county, as a great grievance, criminals are either permitted to go at large, as the officers are compelled to muster a large force, to guard prisoners while carried forty miles, over a road endangered by lurking Indians, thence to be confined in such a manner as to create the probability of escape.

The Grand Jury would also present the remissness of the Port Wardens for the St. John's Bar, from granting branches to careless or improper persons, the number of wrecks has greatly multiplied, though the bar is not believed to have changed for the worse. The importance of this bar at this time imperatively demands, skilful and faithful pilots. To a few men is entrusted not only a large amount of property, but life. They have deemed it their duty to call attention to this subject, that a reform may be effected.

The Grand Jury would take this opportunity to tender to his Honor Judge Bronson, their thanks for his lucid and able charge as they were entering upon their duties, and to express their pleasure and approbation, of the prompt and efficient manner with which the business of the session has been conducted.

The Grand Jury request that these presentments may be read in open court, and published in the newspapers of St. Augustine, and that a copy be sent to our delegate in Congress, and to the Governor of the Territory.

GEO. FLEMING, Foreman.

J. GUTTERSON, Secretary.

Jacksonville; December 15, 1840.

A true copy from the original now on file in my office.

ISAIAH D. HART, Clerk.

Per D. HIRAM B. HART, D. C.

The House went into Committee of the Whole, on a bill to be entitled, an act to repeal the third and eighth sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March 1839, Mr. Cone in the Chair. After some time spent in consideration of said bill, the Committee rose, and by its Chairman reported the same to the House amended;

Which report was concurred in—said bill read a third time, and passed,

The title of the same was changed so as to read as follows :
 “ an act to repeal the third, eighth, and part of the ninth sections of an act entitled an act to authorize the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839.

A bill to be entitled, an act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steam boat Company, was taken from the table, and placed among the orders of the day for to-morrow.

The House then adjourned until to-morrow morning, at 11 o'clock

FRIDAY, January 29th, 1841.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Brown presented the petition of W. R. Hart, praying that the law of this Territory, taxing Theatrical Exhibitions be repealed,

Which was read and referred to the Committee on Finance.

Mr. Taylor, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to incorporate the Monticello Rail Road Company,

Which was read, and 50 copies ordered to be printed.

Mr. Bannerman, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to establish an Academy in the County of Leon, and to incorporate the Trustees thereof;

Which was read, and ordered for a second reading on to-morrow.

Mr. Taylor, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to repeal an act for the relief of the Militia and Volunteers of Florida, called into

the service of the United States during the present Indian war, approved February 12th, 1836 ;

Which was read and ordered for a second reading on to-morrow.

Mr. Priest, from the Committee on Claims, made the following Report, viz :

The Committee on Claims to whom was referred the petition of W. H. Ware have the honor to

REPORT:

That from the shewing of the petitioner, it appears that in the month of January last past, he was appointed by Samuel H. Duval Esq. Marshal of Middle Florida, to be Deputy Marshal for the county of Leon, and that the petitioner proceeded to take the oath of office, before the clerk of the Superior Court and Court of Appeals,

The law of Congress providing for the appointment of Marshals, declares that they, as well as their assistants, shall be sworn before the district Judge, and that where it shall be necessary to appoint a Deputy Marshal at the distance of twenty miles or more from the residence of the Judge, that then the oath of office may be administered by any Justice of the Peace.

It is clear to your committee that the District Judge has decided correctly under the law, in denying the power of the clerk to administer an oath of office to a Deputy Marshal, unless it was by his orders and in his presence.

In all cases when a Sheriff or Marshal, may, for his own convenience, appoint a deputy or deputies, it is his duty to see that all the prerequisites of the law is complied with, he, and he alone, is responsible for the acts of his deputies.

It is certainly a hard case that Mr. Ware should lose several months labor by a slight informality, but your committee does not believe that the Territory is, or ought to be bound to remunerate him for his losses, for it does not appear that any fault rests on any authorised agent of the Government ; on the contrary all the difficulty has originated by not referring particularly to the acts of Congress at first.

Your committee therefore ask leave to be discharged from the further consideration of the subject, and that the petitioner may have leave to withdraw his petition, and the accompanying documents.

All of which is respectfully submitted.

GABRIEL PRIEST, Chairman
Committee on Claims.

Which was received and laid on the table.

A bill to be entitled, an act to amend an act entitled an act to establish a Board of Port Wardens and Commissioners of Wrecks for the Port of Apalachicola, was read a second and third time, and passed;

Ordered that the title be as stated.

A bill to be entitled, an act to incorporate the town of Jacksonville, was read a second and third time, and passed;

Ordered that the title be as stated.

A bill to be entitled, an act to incorporate the First Baptist Church of Jacksonville, was read a third time and passed;

Ordered that the title be as stated.

A bill to be entitled, an act to incorporate the town of Mandarin, was read a third time and passed;

Ordered that the title be as stated.

The House went into Committee of the Whole, on a bill to be entitled, an act to repeal all acts allowing writs of Errors or Appeals in Criminal cases, Mr. Myers in the Chair;

After some time the Committee rose, and by their Chairman reported the bill to the House without amendment;

Which Report was agreed to, and said bill postponed until Monday next.

The House then went into secret session on Executive nominations.

After some time the door was opened.

The House then adjourned until to-morrow morning, at 11 o'clock.

SATURDAY, January 30, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings was read.

Mr. Steele gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, an act to appoint trustees on behalf of the Territory of Florida, to receive securities from the Union Bank of Florida, and the Southern Life Insurance and Trust Company, and for other purposes.

Mr. Brown presented the petition of A. M. Alexander and others, praying that a charter for a ferry, at Port Leon, be granted to Henry Lander.

Which was read and referred to a Select Committee. Messrs. Brown, Duval, and Bannerman were appointed on said committee.

Mr. Duval offered the following resolution, viz :

Resolved, That the Commissioners of the Tallahassee Fund, be requested to furnish this House with the amount expended in the building the Capitol of this Territory, the progress of the same, the names of the contractors of said Capitol, the amount of money paid to each, and the amount of premiums received by him for monies paid out.

Which was read and ordered for a second reading on Monday next.

Mr. Bush, from the Committee on Enrolled Bills, reported as correctly Enrolled, a Resolution directing the Auditor to audit certain accounts of A. A. Fisher, late Sheriff of Leon County.

Mr. Brown from the Select Committee to which was referred the petition of Edward Bolen, made the following report, viz :

The Select Committee, to whom was referred the petition of Edward Bolen, praying to be allowed compensation for keeping two prisoners confined in the Jail of Calhoun County, under a conviction of murder, have had the same under consideration :

It appears to your Committee, that on or about the 20th day of May, 1940, the Marshal of the District of Apalachicola made a contract with your petitioner, then jailor of the said County, to keep and guard the said two prisoners, namely, Charles F. Passmore and William R. Passmore, from that day until the first day of January ensuing, for the sum of five dollars per day—but conditioned, that if the said prisoners escaped, he the said Bolen, was to receive nothing : That some time after, one of the prisoners, William R. Passmore, became ill, and severely afflicted with a *white swelling* in one of his legs, and by the advice of the attending Physician and the said Marshal, his irons were taken off, considering it cruel and inhumane to continue them on him, under such circumstances : That on the night of the 25th of November last the said William R. Passmore made his escape from the jail : That on the first day of January last, the other prisoner, Charles F. Passmore, was delivered by the petitioner over to Thomas G. Green, the Deputy of the said Marshal, who took charge of the jail and prisoner : And that subsequently he made his escape also from the jail : The prisoners having made their escape, the Marshal does not consider that, under the provisions of the contract, he ought to pay the said Bolen the sum agreed upon, or any part thereof.

Your Committee in reviewing this case, are of opinion : First—That the sum agreed to be paid, was reasonable for the services to be performed, and expenses to be incurred, for hiring, guarding and feeding them ;

Secondly—That from the certificate of thirty-seven of the most respectable citizens of St. Joseph, it appears that the said Bolen did use all reasonable and proper diligence to fulfil his part of the contract in the safe keeping of the said prisoners ;

And thirdly—That he did keep one of the prisoners the full time stipulated in his contract; and that the other was only released from

his irons, when feelings of humanity demanded it, and in obedience to advice which he could not properly have rejected :

Your Committee are therefore of the opinion, that the claim of the petitioner ought to be allowed, viz: For keeping William R. Passmore from the 20th day of April until the 25th day of November, two hundred and nineteen days, at \$2.50 per day ; and for keeping Charles F. Passmore from the said 20th day of April, until the first day of January, 1841, two hundred and forty-five days, at \$2.50 per day, amounting together to the sum of eleven hundred and sixty dollars, and recommend the adoption of the subjoined Resolution.

All of which is respectfully submitted.

THOMAS BROWN, Chairman.

A Resolution for the relief of Edward Bolen, late jailer of Calhoun County :

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That the Auditor of Public Accounts, be, and he is hereby required to issue a warrant on the Territorial Treasury, in favor of Edward Bolen, late jailer of Calhoun County, for the sum of eleven hundred and sixty dollars, due him for keeping two prisoners confined in the jail of said County, and charge the same to account of expense of Prosecuting Criminals in the District of Apalachicola.

Which was read and the said resolutions made the order of the day for Monday next.

His Excellency the Governor, transmitted to the House the following Message :

EXECUTIVE DEPARTMENT, }
Tallahassee, 29th January, 1841. }

To the Legislative Council of Florida :

The absence of the Treasurer of the Territory, having been longer than was anticipated by that officer or myself, at the time of his departure for New Orleans. I submit for the information of the Legislative Council, a report made to me in December last, at my special request.

ROBERT RAYMOND REID.

Which was read, and with the report of the Treasurer, referred to the Committee on Finance.

The message of the Governor, containing the presentments of the Grand Jury of Duval county, was laid on the table.

A bill to be entitled, an act to incorporate the Tampa Bay and St. John's Rail Road, Canal and Steamboat Company ;

Was made the order of the day for Monday next.

The resolutions from the Senate, relative to the payment of the troops formerly under the command of Col. Robert Brown, and Maj. Isaac Garrison ; were unanimously adopted by this House.

A bill to be entitled, an act to authorise Daniel Campbell to establish a Ferry across the Escambia River ;

Was read a second and third time and passed. Ordered that the title be as stated.

A bill to be entitled, an act to establish an Academy in the county of Leon, and to incorporate the trustees thereof ;

Was made the order of the day for Monday next.

A bill to be entitled, an act to repeal an act for the relief of the militia and volunteers of Florida, called into the service of the United States, during the present Indian War, approved February the 12th, 1836 ;

Was referred to the Committee on the Militia.

The House went into Committee of the Whole, on certain resolutions, reported to this House from the Committee on Internal Improvements, on the 26th inst. also on certain resolutions introduced by Mr. Thigpin, on the 27th inst. Mr. Mosely in the chair. After some time the Committee rose and reported a substitute for the same, viz :

WHEREAS, an appropriation was made in the year 1838, by the Congress of the United States, of ten thousand dollars, for the opening and constructing a road from Tallahassee to Iola, on the Apalachicola river, and also an appropriation of ten thousand dollars for repairing the road, from Jacksonville, by the Mineral Springs, to Tallahassee ; and whereas said appropriations have not been expended on account of the occupancy, by the Indians, of a portion of the country through which said roads are to be opened and repaired ; and whereas, by the law of Congress, any appropriation not applied within two years, to the purposes for which it was made, reverts back to the general coffers ; and whereas, the opening and repair of said roads will greatly facilitate the communication between distant parts of the Territory with the seat of Government.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress, be requested to urge upon that body, the re-appropriation of the several sums aforesaid, for the purposes therein specified, and that a copy of this preamble and resolution be forthwith transmitted to the Delegate in Congress from this Territory.

Which were adopted by the House.

Mr. Mosely gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, an act to change the names of persons therein mentioned.

The House went into secret session upon Executive nominations.

After some time the door was opened.

The House then adjourned until Monday next, 11 o'clock.

MONDAY, February 1st, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings was read.

On motion of Mr. Duval, Mr. Branch, the member elect from Leon county, was duly qualified and took his seat.

Mr. McKinnon gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, an act to change the time of holding the County Court of Walton county.

Mr. Fernandez, pursuant to previous notice asked and obtained leave to introduce a bill to be entitled, an act constituting a board of wardens, commissioners of pilotage, and commissioners of wrecks, &c. for the Port of Jacksonville and other places therein provided for, approved, February 28th, 1839 ;

Which was read, and ordered for a second reading on to-morrow.

Mr. Duval, from the Committee on Internal Improvements, made the following report, viz :

The Committee on Internal Improvements, to whom was referred so much of the Governor's Message as relates to the improvements of our Roads and Rivers, Bays and Harbors, beg leave by their Chairman to

REPORT :

That judicious expenditures to a moderate amount, directed to the improvement of the natural navigation of three or four of our Rivers, at the present period, would greatly promote the prosperity of our Territory. They are informed that the navigation of the Choctohatchie is impeded at its mouth by Sand Shoals, for the distance of two or three hundred feet. Such impediment should claim the attention of the Federal Government. The State of Alabama has made an appropriation of ten thousand dollars for the improvement of that River to the Florida line, and by the removal of the Sand Shoals adverted to, your Committee is informed that large steam boats would pass, without obstruction, from Pensacola to Dale County, in Alabama, above the junction of the Pea and Choctohatchie rivers, where a flourishing village is springing up by the name of Geneva—boats would then pass through a rich and fertile country, well adapted to the production of cotton, where little is now made, on account of discouraging difficulties and expense of transporting it to market. The Government being the chief proprietors of the soil near this navigation, is, upon calculations of self-interest, if guided by no other motive, bound to effect the proposed improvement as soon as practicable. It would tend greatly to promote the population and wealth of the Counties adjacent to the River, and secure a valuable trade to Pensacola.

The Chipola is believed by your Committee to be susceptible of such improvements as to render it a most useful and important chan-

nel of trade to the citizens of Jackson County, and is worthy the bounty of the Federal government.

The Suwannee is a river remarkable for the gentle and uniform velocity of its current, and its great depth of water from the gulf to the Georgia line, a distance of about one hundred and fifty miles, with obstructions, however, to its navigation at low stages of its waters, at two points. These may be surmounted at inconsiderable cost, and vessels of a proper construction, of 200 tons burden, may at all seasons ascend from the gulf through the heart of the Territory, quite to our northern boundry. Your Committee need scarcely add, that if such a commercial highway can be rendered perfect, by the expenditure of a few thousand dollars, the sooner it is done, the better for the interest of the Federal Government, as well as that of the Territory.

The noble St. Johns, which from its discharge into the sea towards its sources in the everglades, affords the most extensive interior navigation of any of the Atlantic rivers of our Union, is obstructed by dangerous shoals at its mouth. In order, therefore, to give to its navigable capacities the greatest possible utility, its natural connexions with the admirable port of Fernandina, by means of Creeks and Sounds, should be forthwith deepened. This has been partially and imperfectly accomplished by the liberality of the Federal Government, under a former administration. The best interest, both of East Florida and of the nation, require that it should be forthwith completed, on such a scale as to admit the passage of steam and tow boats of the burden of 200 tons.

A chain of Sounds and Bays extends, with the exception of a few short postages, all the way from the bay of Ocklocknie to New Orleans, affording a steamboat navigation, exempt from the ordinary perils of the sea, and protected from the hostile enterprises of an enemy, over this route. When properly improved, the public mails, travellers, troops and munitions of war, may be transported in peace or war, with speed and safety. From the Ocklocknie to the St. Johns, so gentle are the undulations of the ground, and so well is the soil adapted to the formation of roads of any description, that no where else are they so easily constructed; or, for the same reasons, upon which any given amount of power would propel so great a burden, and at such high rates of velocity. The route here indicated, and extending from the Mississippi to our eastern borders, is undoubtedly the most eligible of all others between the Atlantic States and those of the Gulf—and is adverted to on this occasion, not because our citizens are slow to comprehend or appreciate its superiority, nor from the hope that the necessary appropriations to complete it in the best manner can now be obtained, but from the conviction that this great anticipated link of connection between the Eastern and Southern sections of our Republic, should not for a moment be overlooked or neglected by the Federal Government.

The sea wall at St. Augustine, which we are informed by his Excellency is in an unfinished state, was originally raised by the government of Great Britain, when that nation held possession of the provinces of East and West Florida, but when they were receded to Spain, it was suffered to fall into delay and dilapidation. A few

years since the General Government undertook its reconstruction, and small appropriations, which were insufficient for its completion, were made. It will soon be a ruin again, unless finished; and as it is essential to the safety of the ancient and respectable city of St. Augustine, the wall should be completed without delay, in a durable form.

A good road at all seasons, safe and practicable for wheel carriages from Pensacola to Jacksonville or Picolata, passing through all the populous counties of the Territory, is an object of great importance to the majority of the people of Florida.

The Apalachee, sometimes called the St. Marks, is the channel through which all the Cotton of Middle Florida finds egress to foreign markets, and through which the articles of consumption demanded by our wants, are imported. The general depth of its waters is sufficient for merchant vessels of the largest class, but so much diminished in some places by ledges of rocks, that eight feet may be regarded, for all commercial purposes, as the greatest depth of water between St. Marks or Port Leon and the sea. Mr. Benjamin G. Thornton, who for a year superintended the works prosecuted by the Government, to improve the navigation of that river, a gentleman of respectable scientific attainments, and of so much practicable judgment in mechanical affairs, and such skill in hydraulic operations as to command general confidence; is of opinion, that thirty-five thousand dollars, judiciously expended, would open the way to ships of thirteen feet draught to the junction of the St. Marks and Waculla Rivers. If this opinion be well grounded, and if the improvement was executed, large ships would be substituted for the small vessels now used, and the reduction in the price of freights in one year would amount to a greater sum than the expenditure, as a direct trade to Europe would be an immediate consequence; and as the production in Middle Florida, and some of the adjoining Counties must, in a few years, be increased to four fold the present amount, your committee deem the proposed improvement one of great importance.

Your committee is well aware that the port of Fernandina is amply fitted for the reception and security of merchant vessels of the largest class, and is, therefore, an invaluable possession to East Florida, a harbour on the atlantic coast, south of the Chesapeak, capable of receiving and accommodating ships of the line, is a great desideratum, and if it be found in Fernandina, we recommend the adoption of that place, by the General Government, as a naval depot.

Your committee, in conclusion, beg leave, through their chairman, to offer the following resolution:

All of which is respectfully submitted.

A. F. DUVAL, *Chairman*

Of the Committee on Internal Improvements.

Resolved, That our Delegate in Congress be requested to urge upon the Congress of the United States, the necessity of making such appropriations as they may deem necessary to carry into effect, the improvements recommended in the foregoing report, and that his Excellency the Governor, be requested to transmit copies of this

report and accompanying resolution, to the Honorable Charles Downing, our Delegate in Congress.

Which report was received by the House and 100 copies thereof, ordered to be printed.

Mr. Brown, from the Select Committee, to which was referred the petition of the inhabitants of Port Leon, reported the following bill, viz :

A bill to be entitled, an act to incorporate the City of Port Leon ;

Which was read and ordered for a second reading on to-morrow.

The same gentleman from the Select Committee, to which was referred the petition of A. M. Alexander and others, reported the following bill, viz :

A bill to be entitled, an act authorising Henry Lander to establish a ferry across the St. Marks river, opposite the city of Port Leon ;

Which was read and ordered for a second reading on to-morrow.

Mr. Brown moved to strike out all after the enacting clause of a bill, to be entitled, an act to repeal all acts, allowing writs of error or appeals in criminal cases.

The Ayes and Nays were called for on this question by Messrs. Thigpin and Brown, and were,

Ayes.—Messrs. Bannerman, Bell, Brown, Church, Duval, Elzuardi, Evans, Fernandez, Mosely, Nunis, Priest, Stephens, Steele, and Taylor—14

Nays.—Mr. Speaker, Messrs. Bird, Bush, Cone, Fontane, McKinnon, Miller, Myers, Pent, Smith and Thigpin—11.

So said motion prevailed.

He then offered the following as a substitute for the part stricken out :

That from and after the passage of this act, no appeal, or writ of error, or bill of exceptions to evidence, shall be entertained, allowed or granted, to a defendant or defendants, in criminal prosecutions in any of the courts of this Territory : but if in the trial of any criminal prosecution, the Judge before whom the same is tried, shall entertain a doubt upon any legal question, arising in the case, then, and in that case, the said Judge, after verdict rendered, may continue the same, and shall, as soon as convenient, make a statement in writing of the question of law, and carry up or transmit the same to the Court of Appeals for its consideration and decision, and the Judges of the said Court of Appeals, shall, without delay, decide the same, and transmit as early as practicable, their opinion to the court in which the prosecution may be pending.

And be it further enacted, That the act entitled, an act to provide for appeals and writs of error in criminal cases, passed on the 17th day of February, 1833, and all other acts and parts of acts

coming within the meaning and purview of this act, be and the same are hereby repealed.

Upon the question of receiving this as a substitute, the ayes and nays were called for by Messrs. Brown and Steele, and were,

Ayes—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bush, Church, Cone, Elzuardi, Evans, Fernandez, McKinnon, Miller, Myers, Priest, Stephens and Steele—16.

Nays—Messrs. Bird, Duval, Fontane, Mosely, Nunes, Pent, Smith, Taylor, and Thigpin—9.

So said substitute was adopted.

Mr. Duval then moved the indefinite postponement of said bill.

The ayes and nays were called for on this question by Messrs. Steele and Thigpin, and were,

Ayes—Messrs. Bird, Duval, Fontane, Mosely, Nunes, Pent, Smith, Taylor and Thigpin—9.

Nays—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bush, Church, Cone, Elzuardi, Evans, Fernandez, McKinnon, Miller, Myers, Priest, Stephens and Steele—16.

So said motion was lost.

The bill was then put upon its third reading and passed.

Ordered that the title be changed so as to read "an act regulating appeals and writs of error in criminal cases."

The consideration of a bill to be entitled, an act to incorporate the Tampa Bay and St. John's Rail Road, Canal and Steamboat Company; was postponed until to-morrow.

A resolution requesting information of the Commissioner of the Tallahassee Fund, was laid on the table.

The Senate transmitted to this House, a bill entitled, an act to incorporate the Methodist Episcopal Church, in the City of Tallahassee as having passed that body without amendment.

It was ordered to be enrolled.

The House then adjourned until to-morrow 11 o'clock.

TUESDAY, February 2d, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings was read.

Mr. Branch presented the petition of the Trustees of the Southern Life insurance and Trust Company, praying that their charter be amended;

Which was read and referred to the Committee on Banks.

Mr. Branch obtained leave (without previous notice) to introduce a bill to be entitled, an act to allow Lawrence O. Branch to practice law in the courts of this Territory;

Which was read and ordered for a second reading on to-morrow.

Mr. Fontane, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to organise the Saint Augustine City Guards ;

Which was read and ordered for a second reading on to-morrow.

The Senate transmitted to the House the following communication:

SENATE, }
February 1st, 1841. }

The Senate have agreed to the amendments made by the House of Representatives, to an act to repeal the third, eighth, and part of the ninth section of an act, entitled, an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839.

Attest,

J. S. ROBINSON,

Secretary Senate.

And also informed this House that they had adopted the preamble and resolutions relative to an appropriation, for a road from Jacksonville to Iola.

Mr. Evans, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to authorise the port wardens, of the port of Pensacola, to appoint pilots for the bays of Black Water and Escambia ;

Which was read and ordered for a second reading on to-morrow.

Mr. Brown from the Committee on Banks, to which was referred a bill to be entitled, an act to incorporate the Bank of Tallahassee ; reported said bill to the House with sundry amendments ;

Which was concurred in by the House, and said bill ordered for a second reading on to-morrow.

Mr. Myers from the Committee on the Militia, made the following report, viz :

The Committee on the Militia, to whom was referred a resolution, directing said Committee to memorialize Congress against any course or policy likely to be pursued by the General Government, recognizing the right of the Indians to a permanent occupation of any part of the Territory, have had the same under consideration, and beg leave to

REPORT :

That no such policy has recently been exhibited, or is now likely to be adopted by the present Administration ; and that they cannot believe that the new Administration, about coming into office, would so far violate their pledges, and sacrifice the people of Florida, as for one moment to entertain any proposition, recognizing the right of the Seminoles to remain in Florida.

Believing then, that there is no necessity for such memorial, the Committee beg leave to be discharged from the further consideration of the subject.

ROBERT MYERS, Chairman.

Which was concurred in by the House.

Also from the same committee reported a bill to be entitled, an act to repeal an act for the relief of militia and volunteers of Florida,

called into the service of the United States during the present Indian war, approved, February 12, 1836, without amendment ;

Which was concurred in, and said bill ordered for a second reading on to-morrow.

Mr. Stephens, from the Committee on Finance, made the following report :

The Committee on Finance, to whom was referred the petition of W.

R. Hart, have, according to orders, had the same under consideration, and beg leave respectfully to

REPORT.

That, upon a careful examination of the act passed by the Legislative Council on the 10th of February, 1834, which authorizes the levying a tax of five dollars per day, in addition to such other tax as shall be imposed by the authorities of any City or Town, by virtue of their Charters of Incorporation, on the Proprietors or Exhibitors of Circuses, and other Shows of Amusements, from the unjust and oppressive application of which your petitioner claims relief. The Committee are of opinion, that the act referred to, was intended to apply only to such Exhibitions, as had no other ulterior object in view than mere amusement. The Drama, having higher objects in view than the mere gratification of the senses, combining amusement with instruction, and tending, as it indisputable does, to elevate and refine the public taste, should not be classed with those Exhibitions where amusement is the sole and only object. If we shall consider the Drama as being within the Statute, we must, necessarily, consider the law as equally applicable to all Scientific Lectures, of whatever nature, for they likewise combine amusement with instruction. To place, therefore, Scientific Lecturers, and those gifted individuals, who, by the magic of look, voice and action, give breathing vitality to the bright conceptions of Genius, upon the same footing with Jugglers, Tumblers, and other Mountebanks, who stroll through the country, in defiance of our vagrant laws, would be an act of the grossest injustice, and could not possibly have been the intention of our Territorial Legislature. Your Committee therefore, in order that there may be no dispute as to the intent and meaning of the act referred to, would beg leave to submit the following Resolution :

Be it Resolved, by the Governor and Legislative Council of the Territory of Florida, That the act of the Legislative Council of the Territory aforesaid, passed on the 10th day of February, 1840, authorizing the levying a tax of five dollars per day, in addition to such other tax as shall be imposed by the authority of any City or Town, by virtue of their Charters of Incorporation, on the Proprietors or Exhibitors of Circuses and other Shows of Amusement in the Territory of Florida, was not intended, and shall not be so construed as to apply to the representation of the legitimate Drama in this Territory.

SAMUEL B. STEPHENS, Chairman.

Which was read, and the said resolution ordered for a second reading on to-morrow.

The Senate transmitted to this House the following resolution, viz:
Be it resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress be requested to obtain from Congress an annual appropriation to be applied to the publication of the reports of the decisions of the Court of Appeals; Which was read and adopted.

The House went into Committee of the Whole, on a bill to be entitled, an act to provide for the appointment of Clerks of Markets. Mr. Stephens in the chair—after some time spent in consideration of said bill, the committee rose, and by their chairman, reported the same to the House as amended;

Which report was agreed to, said bill read a second time by its title and ordered for a third reading on to-morrow,

A bill to be entitled, an act to establish an academy in the county of Leon, and to incorporate the Trustees thereof;

Was read a second and third time, and passed. Ordered that the title be as stated.

The House went into Committee of the Whole, on a resolution for the relief of Edward Bolen, late Jailor of Calhoun county—Mr. Myers in the Chair.—After some time spent in consideration of said bill, the committee rose, and by their Chairman, reported the same to the House without amendment; which report was concurred in.

The resolution was then read a second and third time, and put upon its adoption.

The ayes and nays were called for on this question, by Messrs. Taylor and Smith, and were,

Ayes.—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Bush, Branch, Church, Cone, Duval, Evans, Fernandez, Fontane, McKinnon, Miller, Mosely, Myers, Nunes, Pent, Priest, Sadbury, Stephens, Steele, and Thigpin—24.

Nays.—Messrs. Smith, and Taylor—2.

So said resolution was adopted.

The House then went into secret session, after some time the door was opened.

The House then adjourned until to-morrow 11 o'clock.

WEDNESDAY, February 3, 1841.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Evans gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to amend an act declaring Juniper Creek, in Escambia County, a navigable stream.

Mr. Myers gave notice that he will, on some future day, ask

leave to introduce a bill, to be entitled, an act regulating the salvage on wrecked cotton, within the waters of this Territory;

Also, a bill to be entitled, an act giving a lien on Steam Boats and Barges in certain cases.

Mr. Branch presented the petition of Francis B. Whiting, praying a divorce from his wife, Sarah M.;

Mr. Stephens moved that the gentleman have leave to withdraw said petition, and that this motion be considered a test question as to the disposition of this House to entertain the consideration of such petitions;

Upon this motion the ayes and nays were called by Messrs. Thigpen and Fernandez, and were:

Ayes—Mr. Speaker, Messrs. Brown, Bryan, Bush, Church, Cone, Elzuardi, Evans, Fernandez, Fontane, McKinnon, Miller, Myers, Nunes, Pent, Sadbury, Stephens and Steele—18.

Nays—Messrs. Bannerman, Bell, Bird, Branch, Duval, Mosely, Priest, Smith, Taylor and Thigpen—10.

So the motion was adopted.

His Excellency the Governor transmitted to the House the following communication:

EXECUTIVE DEPARTMENT,
Tallahassee, 3d February, 1841.

To the Legislative Council of Florida:

I respectfully inform you that I have approved the Resolution for the payment of Alfred A. Fisher, for rent of room for jail, and guarding prisoners.

ROBERT RAYMOND REID.

Which was read.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, 3d February, 1841.

To the Legislative Council of Florida:

I herewith transmit the Annual Report of the Commissioner of the City of Tallahassee, for the past year.

ROBERT RAYMOND REID.

Which was read, and the accompanying Report referred to a Select Committee, and said Committee invested with power to send for persons and papers;

Messrs. Fernandez, Duval, Bush, Taylor and Elzuardi, were appointed said Committee:

Mr. Steele offered the following resolution, viz:

Resolved, That the Committee on the State of the Territory be instructed to request the President of the Convention to form a Constitution for the State of Florida, to furnish a detailed

statement of the votes given for and against the Constitution, in May, 1839, and a certified copy of his Proclamation of its ratification.

Which was adopted.

Mr. Mosely offered the following Resolution, viz :

Resolved, That every citizen of this Territory has a right to petition this Legislature for the redress of any grievance upon which it may constitutionally legislate, and that no such petition ought to be rejected, without being first read, and referred to a Committee.

Which was read, and laid on the table.

Mr. Myers, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act regulating the fees of jailers in this Territory ;

Which was read, and ordered for a second reading.

Mr. Brown gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to regulate the qualification of members of the Legislative Council.

Mr. Brown, from the Committee on Banks, to whom was referred a bill to be entitled, an act to secure to the People of this Territory a sound currency, reported the same to the House without amendment ;

Which was concurred in.

Mr. Duval then moved that said bill be laid on the table.

Upon this motion the ayes and nays were called for by Messrs. Smith and Thigpin, and were,

Ayes.—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Bush, Branch, Church, Duval, Evans, McKianon, Miller, Myers, Sadbury, and Stephens—15.

Nays.—Messrs. Bird, Cone, Elzuardi, Fernandez, Fontane, Mosely, Nunes, Pent Priest, Smith, Steele and Thigpin—12.

So said motion was adopted.

Mr. Bush from the Committee on Enrolled Bills, made the following report, viz :

The Committee on Enrolled Bills, have instructed me to report, as correctly enrolled, the following bill.

An act to incorporate the Methodist Episcopal Church, in the City of Tallahassee.

THOMAS M. BUSH, *Chairman*
Committee on Enrolled Bills.

A bill to be entitled, an act to alter and change the name of Martha Blackwell, of Jefferson county, (sent to this House from the Senate, as having passed that body) was amended in the House, by inserting the letter P. between Martha and Blackwell and Martha and Triplett, so as to read Martha P. Blackwell—Martha P. Triplett. The title was amended so as to correspond with the body of the bill.

The bill was then read twice, the rule being waived, and passed.

The resolution from the Senate, relative to the final adjournment of this Legislative Council, was indefinitely postponed.

The House went into Committee of the Whole on a bill to be entitled, an act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida. Mr. Nunes in the Chair—After some time spent in consideration of said bill, the committee rose, and by their chairman, reported progress and asked leave to sit again.

Which report was agreed to.

A bill to be entitled, an act authorising Henry Lander to establish a ferry across the St. Marks river, opposite the city of Port Leon ;

Was read a second and third time and passed.

Ordered that the title be as stated.

A bill to be entitled, an act to amend an act entitled, an act constituting a board of wardens, commissioners of pilotage, and commissioners of wrecks, &c., for the port of Jacksonville and other places therein provided for, approved, Feb. 28, 1839 ;

Was read a second and third time and passed ; title as stated.

A bill to be entitled, an act to incorporate the City of Port Leon ;

Was laid on the table.

The House went into Committee of the Whole, on a bill to be entitled, an act to incorporate the Tampa Bay and St. John's Rail Road, Canal and Steamboat Company. Mr. Mosely in the Chair—After some time spent in consideration of said bill, the committee rose, and by their chairman, reported the same to the House with sundry amendments ;

Which report was concurred in, and said bill laid on the table.

The House then adjourned until to-morrow morning 11 o'clock.

THURSDAY, February 4th, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings was read.

Mr. Brown presented the following Memorial :

To the Senate and House of Representatives of the United States, in Congress assembled :

The memorial of the Legislative Council of Florida, respectfully represents .

That while Florida is suffering from a protracted internal war, brought upon it without the agency or wishes of its people, or their representatives, the Legislative Council feel it to be incumbent on them, to call the attention of the Federal Government, to the peculiar circumstances of this Territory. If duly weighed, they cannot fail to interest a part, at least, of those States of the Union, whose prosperity is obviously connected with that of its most exposed and defenceless frontier.

From the entrance of the St. Mary's on the Atlantic, to the mouth of the Perdido, on the Gulf of Mexico, this Territory presents a front, exceeding in extent thirteen hundred miles.

For the distance of more than two hundred and fifty miles east of the Perdido, it has a breadth, across which an invading foe could march an army in less than twenty-four hours. Alabama and Georgia, therefore, must perceive the policy of multiplying obstructions to the progress of such a foe.

Through this narrow strip of land, the Apalachicola river, and the bay of St. Joseph, receives the exports of the rivers, Flint and Chatahouchee. The latter, a common boundary of Georgia and Alabama, navigable in its present condition for more than three hundred miles, and furnishing in the present state of the lands and labor of its borders, an annual export exceeding in value five millions of dollars.

At no great distance west of the bay of St. Joseph, the Tombigbee empties its waters into the Gulf of Mexico, and transports to Mobile the greater part of the surplus productions of a State, having a territory exceeding in dimensions all the New England States, and supplying a staple, which gives activity to their industry, and employment to their navigation.

Further West, the river Mississippi pours her current and that of her numerous tributaries, the channels of the commerce of not less than twelve States, into the same great estuary, and with it, half the foreign exports of the Union.

Opposite to the mouths of those rivers, and this extended coast, lie, at the distance of one or two days sail, numerous Islands, inhabited by a mixed population, over which Great Britain, France, Spain, Holland, Sweden and Denmark, claim and exercise a sovereignty, sustained by formidable navies, in some cases superior, in others equal to that of the United States.

Those Islands supply to the christian world its chief tropical productions, by a commerce jealously guarded, and afford many

capacious harbors, whence in a maritime war, not only the trade of the United States flowing from their own rivers, may be interrupted, but the cities near their mouths, and the country in their vicinity, may be suddenly assailed by hostile fleets and armies.

When to these obvious considerations, are superadded the peculiar composition which is likely to distinguish those armies, and the complection of a large part of the very sparse population of the whole Southern territory of this Union, an irresistible appeal is made to that forecast, which, providing in peace for the exigencies of war, is the surest means of preventing its occurrence.

What those provisions should be, their nature, number, and extent, the Congress of the United States, charged by the Constitution with the common defence, are alone authorised to determine.

But that the present condition of this exposed frontier requires other provisions for its future safety than those which now subsist, must be apparent; and while former Reports of the War and Navy Departments have suggested them, it is much to be deplored that they have been almost totally neglected; and this, too, while the people of Florida, fruitlessly seeking to form a Constitution and part of this Union, have been silently, (their representatives forbear to say, contemptuously,) denied the right of complaint, in any form more efficacious than the voice of a solitary delegate.

The Legislative Council, therefore, make no apology for availing themselves of the present occasion, to detail some of the provisions to which they deem themselves entitled; and to glance at the reasons which have been urged to justify their neglect.

They state in the first place that their very channels of correspondence with the Federal Government are obstructed by the denial, neglect, or mismanagement, of those facilities of intercourse designed to be afforded to the whole Union by the United States mail. These, they conceive, should be assured to every organized Government, whether State or Territorial, the seat of which should be approximated as near as practicable to that of the General Government. In war, the people have a right to claim protection of both Governments; and on their prompt and harmonious co-operation for that effect, the public safety essentially depends. The loss of a day may determine the fate of a campaign, or of the war itself.

While the distance from Washington to Wilmington, in North Carolina, could be traversed, and has been, in twenty-four hours, when the navigation of the Potomac has been open, and

that from Charleston to Brunswick in the same period, as was manifested while the Brunswick route was in use; and while the former, capable of being much reduced, was performed thence to Tallahassee in a day and a half more, no notice whatever was taken of the application to Congress by a large number of members of both houses of the last Legislative Council of the Territory, for a public mail in aid of the spirited effort of two patriotic citizens, (Messrs. Hopkins & Stockton,) who opened and established with their own capital the shortest communication across the Peninsula of Florida; a neglect, the more remarkable, since Florida then was, as it long had been, and continues to be, the seat of a desolating Indian war.

The Legislative Council complain, in the second place, of the failure to provide suitable Dock Yards and Naval Stations, on the Gulf of Mexico and South Atlantic Coast of the United States, for the construction and repairs of vessels of war, notwithstanding the multiplied considerations of National, as well as local interests, which plead for such establishments.

Your memorialists are aware of the common place objections to a location of such Navy Yards on the Gulf of Mexico—objections springing from rival and sectional interests, in that portion of the Union, which, not content with drawing their private revenues from the transportation or manufacture of the staples of the South, seek also to appropriate the public revenue to their exclusive benefit.

The facts and arguments to which your memorialists refer are unfounded and fallacious. Without protracting this memorial, by a special contradiction of the former, or replying to the latter, it can be readily shown, that it is easier and cheaper to transfer the artists who construct, and the sailors who man the military marine, from the North to the South, than to carry from the South to the North, the hemp, cordage and iron of Kentucky; the naval stores of Carolina; the provisions of the States bordering on the waters of the Mississippi, and the live oak and cedar of Louisiana and Florida, to construct or repair, and to victual that marine.

A more imperative consideration than this, however, would put all question, on this subject, to rest. The circumstances alluded to in an early part of this memorial, must, in any maritime war, to which the United States may be a party, render the Gulf of Mexico the theatre of more naval conflicts, than are likely to occur on any other coast of North America? And can it be doubted, that where those conflicts occur, should be the site of the construction and repair of the fleets engaged in them?

What naval officer, it need scarcely be asked, would hazard a voyage through the keys of Florida, around Capes Sable and

Hatteras to Gosport or Boston, New York, Narragansett or Portland, in order to repair a fleet, or secure a prize, dismantled or crippled in an engagement off the mouth of the Mississippi? Other nations have their Dock Yards and Naval Depots near the theatre of their expected conflicts. For example: England does not send her ships of war to Bristol, Liverpool or Glasgow, to be refitted. The Dock Yards of the river Thames, as well as Plymouth and Portsmouth, are opposite to the coast of France, not upon the Severn, the Mersey or the Clyde; and where the repairs are to be made, there should the construction of such ships be practicable, at least, for numerous reasons. But if for no other, because there should the necessary artists reside, in peace as well as in war; and the assistant labor be permanently gathered around them.

If these Naval Stations are required on the Gulf of Mexico, they must be rendered defensible against sudden approaches on the land, as well as from the ocean; hence, the apparent necessity of locating them near the densest population, or of opening and improving the roads or rivers which lead to them from the interior.

Your memorialists cannot but deplore, therefore, the silent neglect of the application to a former Congress, for an appropriation of Public Lands, to the construction of a Rail Road leading from Pensacola towards Alabama and Georgia. A resource often freely, if not wastefully applied, to less worthy objects, because sought by the avidity of private speculation, while this appealed to the public interest, chiefly, if not solely, in behalf of a purpose of unquestionable national importance, if the public defence be a national duty.

Your memorialists have lately seen the effort renewed, to distribute the nett proceeds of the sales of the Public Lands among the several States of the Union, and their attention has been naturally drawn to the form which that measure assumed, when it received the sanction of a very large majority of both houses of a former Congress. It had then its origin in the Senate of the United States, where this Territory was unrepresented. It may have been for that reason, that its inhabitants were wholly overlooked in the proposed distribution. And hence it is, that the Legislative Council trusts that they will not be deemed obtrusive, while they avail themselves of the present occasion to submit their views of the injustice of such exclusion.

The total revenue of the United States is now derived from the sales of the Public Lands, and from the customs, or duties on foreign imports. It is evident, therefore, that whatever may be the distributed proceeds of the National domain, their sum, if withdrawn from the Treasury for the use of the States, must be supplied from other sources of revenue; unless, indeed, the public revenue be redundant,

and admit of reduction to that extent. In which case, if the reduction be effected by surrendering one branch of revenue, the other cannot be reduced. So that, on either supposition, the consumers of foreign imports, who pay the customs, must be regarded as supplying the revenue derived from the sales of the Public Lands, for the purpose of having it distributed among the several States.

The benefit of that revenue is now shared alike by all the people of the United States; as well by the inhabitants of Florida, as by those of the States.

In withdrawing it for distribution, it is proposed to give to the several States a full equivalent for their augmented, or continued taxation; and the Legislative Council ask, emphatically: Why shall Florida be excluded from a participation in that equivalent? Is it because the people of Florida do not pay their full proportion of the duties on imports?

Exporting their only staple, of which they manufacture no part at home, and purchasing in return nearly all that they consume, it is apparent that they pay a proportion of the foreign duties on domestic consumption, exceeding the ratio of their numbers, to the whole population of the United States.

Is it because Florida is not represented in Congress as a State? To whose influence is that ascribable? She has, by a Convention of her citizens sought, and by Congress been denied, admission into the Union. The denial of that which she demanded as a right, cannot be imputed to her, and punished as a fault.

The ratio of distribution in the bill vetoed by a former President, professed to bear some proportions, it is true, to the representations of the several States. Was the exclusion of Florida founded on the fact, that she was unrepresented? Whence arose the reference to representation in fixing the ratio of distribution? Was it not, that from the period of the revolution, to the present day, it has been a principle of American legislation, "that taxation and representation should go together," to use the homely, but simple and emphatic language of the statesmen who achieved that revolution? And shall the absence of representation not only justify taxation, but be deemed an adequate excuse for wantonly augmenting it, without an equivalent or indemnity.

Again, in computing the proportion of the several States in the contemplated distribution, an additional fifteen per cent was allowed, of the proceeds of the land sales within their respective limits, and the Senators of each State were to be counted with its representation, in the popular branch of the National Legislature; by which very liberal provisions, States, similarly circumstanced with Florida, in all respects but one—that their application for admission into the Union had not passed unheeded—had their proportions of the distributable land fund, much more than tribled, if regard had been paid, solely to their population. With what show of justice, therefore, let it be repeated, was Florida overlooked?

Was it that the distribution, of which she now complains, could derive no aid from her voice in the public Councils, and might be effected in despite of her murmurs?

The confidently trusts, that the impartial legislation of your honorable body will refute both these injurious conclusions.

The principle, on which the resolution of Congress, to make the proposed distribution, is understood to be founded, is in the peculiar language of the Virginia cession of the North Western Territory, which declared, that, except certain portions thereof, the added lands should be considered as a common fund for the use and benefit of the United States, according to their usual respective proportions in the general expenditure.

But this phraseology is not to be found in the cessions of Massachusetts, Connecticut, New York, or South Carolina, which preceded, nor in those of North Carolina and Georgia, which followed the adoption of the present Constitution.

Still less can it furnish an imperative rule of distribution, in regard to the lands of Louisiana and Florida—the treaties for both of which followed those acts after a long interval of time.

The ratio of distribution, provided by the Virginia grant, referred to no previous system of taxation whatever: since the Confederation could impose no tax, either direct or indirect; much less could it have referred to the representation of the respective States, because each had but a single vote, and all stood, in that respect, upon a perfect footing of equality.

Nor were the States, or districts to be carved out of the ceded Territory to be exempt from contributions to the common Treasury of the Union, in the shape of requisitions, for the fourth article of the Ordinance, founded on the act of cession, expressly provided, "That the inhabitants and settlers of the newly acquired Territory, shall be subject to pay a part of the Federal debts, contracted or to be contracted; and a proportionate part of the expense of Government, to be apportioned on them by Congress, according to the same common rule by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the Legislatures of that District or Districts, or new States, as in the original States."

That no doubt may arise whether those taxes might be imposed, prior to the admission of the new States into the Union, it may be proper to refer to the language of those resolutions of Congress, reported from a Committee, of which Mr. Jefferson was the Chairman in April, 1783,

There, it will be seen, that the original designation of *States*, was applied to such communities, as might be found in the newly acquired Territory, as well before as after their admission to a representation in Congress, demonstrating that the Territory of the United States, and the States which might be formed therein, were forever to remain part of the confederacy. So that, in fact, a *State* might exist as a part of the confederacy, and be subject to requisitions for the Federal Treasury, prior to its admission to any representation in Congress.

Under the provisions of the resolutions of 1783, any number of the purchasers of the Public Lands were allowed to form a *State*, and 20,000 to make a permanent government therefor.

Missouri, and subsequently Michigan and Arkansas, called conventions to form their State Constitutions, and elected their Senators to Congress, prior to any express authority from Congress, or a formal admission of any representation in their behalf, on the floor of either House, except by a Delegate, authorised to debate, but not to vote. These Senators, nevertheless, had their mileage and per diem allowed them, as the representatives of States, and ultimately took their seats as such.

It is obvious, that the rule of distribution, derived from the language of the act of cession of Va. cannot now apply. The measure of the first requisition, upon the several States was arbitrary—a standard to supercede it, was provided by the articles of confederation, in the valuation of the lands of all the States, and the buildings and other improvements upon them. But this was never enforced; and being abandoned, was supplanted by a nearly unanimous vote of the confederated States, by substituting for it, the ratio subsequently incorporated in the Federal Constitution, as the basis of direct taxation, and of representation in the popular branch of the National Legislature. Being the measure of both, it was doubtless supposed, at that time, that a large portion of the revenue of the United States would be derived from a capitation, or other direct tax.

At present, however, no such tax exists, or is a resort to direct taxation anticipated. Who can say, therefore, what any State contributes to the Federal Treasury? A rule of distribution, which is impracticable, cannot be obligatory; and if this be disregarded, the only other that can be reasonably substituted for it, must have its origin in natural justice and equity.

Such has been the rapid growth of the foreign commerce of the United States, that the revenue from customs, always susceptible of a ready reduction or augmentation, has become, and has long been, adequate to the economical expenses of the government, and thus, a tax upon consumption, has superseded a tax upon capital.

If it be assumed, that population is a fair measure of consumption,—a position, than which, nothing can be more untrue, especially as regards the consumption of foreign imports—or that equal numbers in America consume equal quantities of foreign products, then Florida, who pays more than her proportion, has an obvious right to a distributable share of the proceeds of sale of the Public Lands, exceeding the ratio of her population to that of the smallest State now represented in Congress.

But if the end, or National purpose, to be attained by any distribution, be regarded,—and the bill which originated in the Senate of the United States, expressly named three such objects,—Florida will be found to have her claims augmented.

In two, out of the three of them, she has a deeper interest than any Northern or Western State.

To one only will your memorialists refer. She is a frontier State, with a sea board, exceeding in length the Atlantic Coast of the whole United States; and needs, for the improvement of her roads and internal navigation, a sum proportioned to the vast extent of her territory,

which, undivided, equals that of any of five of the New England States.

The Legislative Council, therefore, without meaning to express any opinion of the expediency of the contemplated distribution of the proceeds of sale of the public domain, must respectfully suggest their earnest hope, that Florida will not be excluded from any act, which may hereafter pass, upon that subject.

One other provision, only, of many which occur to your memorialists, will they add, to this catalogue of grievances. Before they proceed to notice it, they will premise, that the United States, as the *terres tenant*, or proprietor, of the far greater part of the unsettled lands of Florida, a territory, in extent but little short of the largest State of the Union, has the undoubted constitutional right to subdivide these lands, for the purpose of sale, settlement, and cultivation.

But a very large portion of this territory—that especially, which is not only the most fertile, but the best adapted to the production of the fruits, and staple productions of the tropics,—is now the haunt and asylum of savages, and cannot be subdivided with any prospect of its speedy sale, or improvement by the purchaser, until it shall have been drained or rendered habitable. In this respect, large portions of Florida resemble certain districts of Louisiana, Arkansas and Missouri.

Were it the policy, as it can never be, of the United States, to sell in very large tracts, vast portions of the public domain, such is the hydrography of Florida, as well as of those States, that no single purchaser could be found competent to perform that duty. Missouri could not, indeed, drain her part of the lands flooded by the river St. Francis, because, any successful effort for that purpose, must commence far below her boundary: and, although the entire peninsula of Florida is under one Government, and may so continue, yet the extent of her *ever glades*, and morasses, precludes the hope of effecting such improvements by individual enterprise or capital.

Shall this fertile country, then, ever remain an uncultivated wilderness, to shelter savages, and fugitives from justice? Are *there* not, urgent considerations of public policy, which, in their application to a frontier country, solemnly forbid such apathy or negligence?

The 60,000 Indian warriors, threatening the repose of the West, require a resort to every practicable and constitutional expedient, to strengthen and defend the three states stretched along that frontier.

How feeble, after all, is this incentive to a wise precautionary policy, compared with the magnitude of the danger to which the Southern border of the United States, not only Louisiana and Alabama, and Florida, but Georgia, would be exposed, in a war with the naval sovereign of the West Indies, armed with his black regiments from Jamaica?

A theme is here presented, too painful to dwell upon. Let it suffice, to add, that every obligation of duty and honor, on the part of the Government, wielding the sword of the nation, and bound for its defence, should prompt that Government to quicken the growth of this exposed Territory, by the exercise of all its constitutional power.

Otherwise, it would have been far better, for the South, to have left

this Territory in the peaceful occupation of Spain, from whom they had nothing to apprehend; and whose, very impotency, would have made it a shield to the bordering States, instead of a spear to pierce their vitals.

The views which your memorialists have here presented, of the actual condition, and future prospects of their constituents, are dictated by an imperious sense of duty, and spring from no disloyal feeling to that Union, in which, they have vainly sought admission. They regret the necessity which constrains them to press, once more, their prompt and solemn consideration upon Congress. Yet, more do they regret, that they are still denied the right of being heard, in their support, in more than one of its Houses, and are incapable of contributing a solitary vote, in either, to the aid of those liberal statesmen in both, who have minds sufficiently comprehensive to embrace the interests of the entire Union, and who, turning aside from the distraction of party or sectional politics, are disposed to give, to the views of your memorialists, their just weight.

One of the obstacles which, your memorialists have been apprised, stand in the way of every proposition submitted to you, in behalf of their Territory, remains to be noticed. It is, that Florida profits by, and even desires the continuance of the war, which has laid waste her Territory, and stained it with her blood.

West and Middle Florida contain four-fifths of the inhabitants of this Territory. While scarcely any part of the expenditures of the war reach them, they are exposed to the necessity of competing for their own supplies of labor, forage and provisions, with contractors and quarter masters of the United States. Cotton is the staple of your memorialists, and with it, they purchase the articles you need for your troops. Let the man, in Florida be pointed out, who has been enriched by the war, which has desolated East Florida, and restrained the growth of the West, and you will find him a contractor or commissary from the North. The forage of Maine, the oats and corn of Maryland and Virginia, the flour of New York, Baltimore and Richmond, the pork and beef of New Orleans, the horses and mules of Kentucky, Tennessee and Georgia, have been bought by the planters of Florida, at prices, enhanced, by competition, in the same market, with United States Commissaries and Contractors. The cavalry of the United States are mounted on horses, that come with their riders from a distance, and the steamboats which have ascended the rivers of Florida, have been purchased, or are owned by proprietors beyond her limits.

The reproach attempted to be brought upon her people, of desiring the continuance of a war, attended with the cruel butchery of her frontier settlers—a war, to which she was, in no sense, a party—can entail disgrace only upon her calumniators, whose ignorance of her real condition, surpasses, and excuses, in some degree, their malignity.

Which was read, and five hundred copies ordered to be printed.

Mr. Evans offered the following resolution :

Resolved, That the Committee on Finance be instructed to enquire into the expediency of repealing so much of the third section of an act, to suspend the operation of the revenue laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territorial Treasury, approved 2d of March, 1840, as imposes a tax on keepers of billiard tables, and retailers of spirituous liquors, and that they have leave to report by bill or otherwise.

Which was adopted.

Mr. Brown, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to regulate the qualification of Members of the Legislative Council.

Which was read and laid on the table.

Mr. Evans, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to amend an act declaring Juniper Creek, in Escambia county, a navigable stream ;

Which was read and ordered for a second reading on to-morrow.

Mr. Duval, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to authorise certain individuals therein named, to raise, by way of Lottery, a certain sum of money, to erect a Masonic Lodge, in the city of Tallahassee, and for other purposes ;

Which was read, and ordered for a second reading on to-morrow.

Mr. Priest, Chairman of the Select Committee, made the following report :

The Select Committee to whom was referred the petition of Rebeca Cole, have had the same under consideration and ask leave to report :

Your committee believe that divorce cases should, invariably, go before the tribunal provided for them by law.

And your committee further believe, that in the present case, the facts set forth in the petition and accompanying documents, are not sufficient to warrant a divorce ; consequently request to be discharged from the further consideration thereof.

GABRIEL PRIEST, *Chairman*
Of Select Committee.

Which was concurred in by the House.

A bill to be entitled, an act to allow Lawrence O. Branch to practice law in the courts of this Territory ;

Was read a second and third time and passed.

Ordered that the title be as stated.

A bill to be entitled, an act to organise the St. Augustine City Guards ;

Was read a second and third time and passed.

Ordered that the title be as stated.

A bill to be entitled, an act to authorise the Port Wardens of the Port of Pensacola, to appoint pilots for the bays of Black Water and Escambia ;

Was read a second and third time and passed.

The title was changed so as to read, "A bill to be entitled, an act to extend the powers of the Port Wardens for the Port of Pensacola, in Escambia county."

A bill to be entitled, an act to incorporate the Bank of Tallahassee, was postponed until to-morrow.

A bill to be entitled, an act to repeal an act for the relief of the militia and volunteers of Florida, called into the service of the United States, during the present Indian War, approved, February 12th, 1836 ;

Was read a second time and ordered for a third reading on to-morrow.

A bill to be entitled, an act to provide for the appointment of Clerks of Markets ;

Was read a third time and passed.

Ordered that the title be as stated.

A resolution reported to this House by a select committee, relative to dramatic exhibitions ;

Was read a second time, and ordered for a third reading on to-morrow.

A bill to be entitled, an act to prescribe the manner of appointing patrols, and for other purposes, was postponed until to-morrow.

The House went into Committee of the Whole, on a bill to be entitled, an act to incorporate the Monticello Rail Road Company. Mr. Bannerman in the Chair—after some time the committee rose, and by their chairman, reported said bill to the House amended ;

Which report was agreed to, and said bill laid on the table.

His Excellency the Governor, transmitted to the House the following communication :

EXECUTIVE DEPARTMENT, }
Tallahassee, February 3, 1841. }

To the Legislative Council of Florida :

I herewith enclose the letter and report of the Treasurer, on the School Land Fund, for the year 1840.

ROBERT RAYMOND REID.

Which was laid on the table.

The Senate transmitted to this House a bill to be entitled, an act concerning Indian depredations, and for other purposes ; as having passed that body ;

Which was laid on the table.

Also as having received the concurrence of that body the following bills, viz :

A bill to be entitled, an act to incorporate the town of Jacksonville.

A bill to be entitled, an act to amend an act, entitled, an act to establish a board of Port Wardens and Commissioners of Wrecks, for the Port of Apalachicola ;

A bill to be entitled, an act to establish an Academy in the county of Leon, and to incorporate the Trustees thereof ;

Which were ordered to be enrolled.

The House then went into secret session, after some time the door was opened.

The House then adjourned until to-morrow morning 11 o'clock.

FRIDAY, February 5th, 1841.

The House met pursuant to adjournment. A quorum being present, the Journal of yesterday's proceedings was read.

Mr. Stephens gave notice, that he will, on some future day, ask leave to introduce a bill giving criminal jurisdiction to the county courts in certain cases.

Mr. Bush, from the Committee on Enrolled Bills, reported as correctly enrolled, a Preamble and Resolution relative to a Road from Iola to Jacksonville.

Mr. Priest, from the Committee on Claims to whom was referred the petition of F. L. Ming, made the following report :

*To the Hon. the House of Representatives of
the Legislative Council of Florida :*

The Committee on Claims, to whom was referred the petition of F. L. Ming, administrator of the estate of James W. Exum, have the honor to

REPORT :

That from the Auditor's report, rendered to the Legislative Council at their last session, James W. Exum, deceased, late Marshal of West Florida, stand charged with the sum of \$254.17 cents, being the balance of the amount supposed to be due by him, at the time the Auditor made his report.

Your Committee find, however, from the testimony of George Walker, Esq., late District Attorney of West Florida, that Benjamin

Merret, of Escambia County, was recognized in the sum of \$200, to appear at Court, which recognizance he forfeited, and the said sum was charged to the said Exum as Marshal: That, in consequence of the said Merret's having absconded from the Territory of Florida, the said Exum was unable to collect the said sum of money, and therefore, in good faith, ought to have the same remitted to him.

It appears also, that the said Exum has been charged with the sum of two hundred and fifty-four dollars, being the amount of a fine imposed by the Superior Court for Jackson County, on one Grove A. Pease, for a breach of the criminal laws, and that the said Pease appealed to the Court of Appeals, from whence the suit was remanded to the Court below, with certain instructions, which induced the then District Attorney to enter a *nul prociqui*, which amounted to a remission of the fine, and of course ought also to be remitted to the said Exum.

It will appear, therefore, that while James W. Exum, late Marshal of West Florida, stands charged on the books of the Auditor with the sum of \$254 17

That he is legally and equitably entitled to the following credits, viz :

Amount of Benjamin's Merret's recognizance,	\$200
“ fine of G. A. Pease, “ <i>nul prociqui</i> ” entered,	254 454 00

Balance due J. W. Exum,	\$199 83
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By which there is a balance due by the Territory to the Estate of the said Exum, of one hundred and ninety-nine dollars eighty-three cents, which your Committee is satisfied ought to be paid.

Your Committee, therefore, recommend the adoption of the following resolution.

All of which is respectfully submitted.

GABRIEL PRIEST, Chairman

Committee on Claims.

WHEREAS, James W. Exum, late Marshal of West Florida, was charged with a forfeited recognizance, given by Benjamin Merret, of Escambia County, amounting to two hundred dollars, which sum was never collected, in consequence of the said Merret having absconded from the Territory of Florida. And the said Exum was also charged with a fine imposed by the Superior Court of Jackson County, on one Grove A. Pease, amounting to two hundred and fifty-four dollars, in which case a *nul prociqui* was afterwards entered, and the fine of course was remitted ;

AND WHEREAS, There is now standing on the Books of the Auditor, against the Estate of the said Exum, the sum of two hundred and fifty-four dollars seventeen cents, which sum deducted from said recognizance and fine, amounting in all to four hundred and fifty-four dollars, leaves a balance in favor of the estate of the same James W. Exum, of one hundred and ninety-nine dollars eighty-three cents. Therefore

Be it Resolved, by the Governor and Legislative Council of the Territory of Florida, That the Auditor of Public Accounts pass to the

credit of the said James W. Exum, deceased, the sum of four hundred and fifty-four dollars, (being the amount of the said recognizance and fine,) and that he issue a warrant in favor of F. L. Ming, administrator of the said James W. Exum, deceased, for one hundred and ninety-nine dollars eighty-three cents, being the balance which is rightfully due to the said deceased, which sum shall be paid from any money in the Territorial Treasury not otherwise appropriated.

Which was read and said resolution ordered for a second reading on Monday.

A bill to be entitled, an act regulating the fees of Jailors in this Territory, was postponed until Monday next.

The House went into Committee of the Whole on a bill to be entitled, an act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida. Mr. Nunes in the chair—After some time the committee rose, and the chairman therefrom, reported said bill to the House with amendments ;

Which was concurred in by the House, said bill read a second time and ordered for a third reading on Monday next.

The Senate transmitted to this House the following communication :

SENATE CHAMBER,

Tallahassee, February 4th, 1841.

The Senate have concurred in the amendments made by the House of Representatives, to an act relating to Appeals and writs of Error in criminal cases.

Attest : J. S. ROBINSON, Sec'y Senate.

Also the following bills as having received the concurrence of that body, viz :

A bill to be entitled, an act to incorporate the First Baptist Church of Jacksonville, and

A bill to be entitled, an act to incorporate the town of Mandarin.

Which were ordered to be enrolled.

Also the following Preamble and Resolution :

WHEREAS, Under an act of the Legislative Council, entitled, an Act "to amend and explain," an act entitled, an act to raise a fund by taxation, for the education of poor children, approved, March 2d, 1839. The county Treasurer of each county in this Territory, are authorised and required to make out an account against the Territory of Florida, for the balance due their respective counties, under the provisions of the said act, as amended by this act, therefore

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That the several auctioneers in the counties of this Territory, be and they are hereby authorised and required to pay over to the county Treasurer of the said counties, the amount due under the provisions of the above recited acts, and the receipts of the said county Treasurers, shall be received by the Auditor and Treasurer of the Territory, as so much money paid by the said auctioneers.

Which was read and ordered for a second reading on to-morrow.

A bill to be entitled, an act to amend an act declaring Juniper Creek in Escambia county, a navigable stream ;

Was read a second and third time and passed.

Ordered that the title be as stated.

A bill to be entitled, an act to authorise certain individuals therein named, to raise by way of Lottery a certain sum of money, to erect a Masonic Lodge in the city of Tallahassee, and for other purposes, was, On motion of Mr. Nunes, indefinitely postponed.

The House took up a bill to be entitled, an act to incorporate the bank of Tallahassee, and adopted the amendments reported by the Committee on Banks.

The House then went into committee of the whole, on said bill.—Mr. Steele in the chair—after some time the committee rose, and reported said bill to the House with sundry amendments ;

Which report was received, and said bill laid on the table.

The House then adjourned until to-morrow 11 o'clock.

SATURDAY, February 6th, 1841.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

On motion of Mr. Myers, Mr. Branch was added to the Committee on Banks, Judiciary and Claims.

On motion of Mr. Mosely, Mr. Myers was added to the Committee on Banks.

Mr. Thigpin offered the following Resolution :

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his endeavors to change the time of meeting of the Legislative Council of the Territory of Florida, from the first Monday in January, to the first Monday in December, in each and every year.

Mr. Bush offered the following Preamble and Resolution :

Which was thrice read and adopted.

WHEREAS, the bridges on the Mail Route from Tallahassee to Pensacola, over the Apalachicola Swamp, and over the Chipola River, are in a state of dilapidation, and a much larger amount of money is required to repair them than can be raised by taxation : And WHEREAS, a petition has heretofore been forwarded to the Congress of the United States from the citizens, asking an appropriation for the opening and construction of a road from Mariana to Iola : Be it therefore Resolved,

By the Senate and House of Representatives of the Territory of Florida, That our Delegate in Congress be requested to obtain from Congress an appropriation of five thousand dollars for the repair of the bridges across the Apalachicola Swamp and the Chipola River, and a additional sum of five thousand dollars for the opening and construction of a road from Mariana to Iola, on the Apalachicola River.

Mr. Duval offered the following Resolution :

Resolved, That a Committee be appointed to make inquiry, and report to this House, what Auctioneers have failed to make return of sales at auction for the last year, as required by law, and what amount of sales has been so made and not accounted for.

Which was read, and ordered for a second reading on Monday next.

Which was adopted.

Messrs. Duval, Evans and Thigpin were appointed said Committee.

Mr. Thigpin offered the following Resolution :

WHEREAS, It is currently reported, that Bonds, issued to the Southern Life Insurance and Trust Company, endorsed by the Territory, have been sold, to the amount of two hundred and fifty thousand dollars, at a price far below their par value—Now, for the better information of the public, and as a guide to the future action of this Branch of the Legislative Council,

Be it Resolved, That the Committee on Banks be empowered by this House with the right to send for persons and papers; to administer oaths; and to inquire into the number of bonds guaranteed by the Territory to said Company; what number of them have been sold; at what price; and on what terms; and in whose possession the same now are, and to report thereon to this House.

Which was adopted.

Mr. McKinnon, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to change the time of holding the County Court of Walton County ;

Which was read, and ordered for a second reading on Monday next.

Mr. Myers, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act giving the right of lien to shipwrights, material men, &c., in this Territory ;

Which was read, and ordered for a second time on Monday next.

Also, a bill to be entitled, an act to provide compensation to persons saving impaired Cotton ;

Which was read, and ordered for a second reading on Monday next.

Mr. Smith, from the Committee on the State of the Territory, made the following Report—

The Committee on the State of the Territory, to whom has been referred so much of the Governor's message as relates to the erection of Jails in the several Judicial Districts, and the propriety of memorializing Congress for a grant of land for the erection of a Penitentiary, ask leave to

REPORT :

That at Apalachicola, in the County of Franklin, there is a safe Jail, and the only one that is so, in the Territory of Florida. The old fort at Saint Augustine, and the old fort at St. Marks, are each

made use of for that purpose; but offenders are not considered secure in them, without such guards as make imprisonment a heavy expense. The Counties of Jackson, Gadsden and Calhoun have Jails, but these have repeatedly proven unequal to their object. All the rest of the Counties are without any buildings for imprisonment whatsoever.

Your Committee consider it a duty to express their belief, that morality, in this Territory is, to a melancholy extent, on the decline; that crimes are increasing, not in number only, but in magnitude—often connected with wantonness and excess. They deem it not expedient, at this time, to point to some of the great promoters of vice and irreligion in Florida: change and time, will leave the dispassionate future to consider and avoid those causes. Their immediate effects are perceptible, in the introduction of men without legal pursuits, who suck the substance of the community, and benumb the moral sense. Abandoned to free association, they disseminate vice among the youth, and by mutual influence, become more expert in the mysteries of their occupation. This is not all. They imbrue their hands alike in the best and worst blood of society. Courtied and sustained, mere law has no terrors for them. Neither the sacredness of the Bench, the dignity of the Magisterial Chair, or the secrecy of the Pannel, are exempt from threatened outrage; and the conscientious citizen, who would vindicate the law, does so at the peril of his life. Notwithstanding the many homicides which have been committed within the last number of years, but one instance of capital punishment has taken place upon a white since the year 1832. This has not proceeded from any unwillingness to inflict a punishment revolting to humanity, but from a depraved feeling, and social combinations, which slacken and resist the law. No part of the Union has presented a state of things like this. To hold existence subject to the caprice of ruffians, the firm authority of a Spanish Vice-Roy were preferable; he might mingle in every corruption, but would tremble to take life. Public officers, aware of the utter inutility of trying to execute the law of the land, are discouraged to attempt convictions. A union of the moral influences of the public, that will impose labor—constant, systematic, and regular labor—are the only relief for these desperate evils.

The huddling together of the free population of the country into towns, and the want of employment, lead to habits of intemperance. Many who have come into manhood during the troubles of the country, exposed as they have unavoidably been to vice, and without habits of industry, warn us, that in the disbanding of soldiers for peace, that the whole force of the law, religion and morality, must be exerted for the common preservation. Dictates of an enlightened philanthropy, point to the most humane preventive, in the establishment of a Penitentiary. It is the system esteemed of the age, as best adapted to preventing crime, and the reformation of character: it restrains the culprit from a repetition of the offence, and imposes as a duty to change and inform his mind. The moral influences which accompany the strict but gentle discipline of a well regulated prison, would often reclaim the offender, prevent the spread of cor-

ruption to juvenile companions, and diminish in a great degree the crimes of the rising generation. Thus withheld in the wild race of licentiousness, the inebriate returns to health and reflection, and while engaged in acquiring skill at some good employment, receives moral teaching, and becomes fitted to return, at some day, a useful member of the community. Results like these cannot be produced, unless the public will feel deeply interested in the object; unless it will unite in making one honest, generous effort, in the cause of honour, virtue and reputation.

The fort at Saint Augustine, of which His Excellency speaks in his Message, would answer well the purpose of a Penitentiary, it being large in a healthy region, and with repairs, it would be far better than any the Government would be likely to build. A Penitentiary should be under the constant supervision of intelligent persons. To relinquish the whole guidance to the discretion of a single individual, has not been found to be a course favorable to the existence of good discipline. It should be under the supervision of Directors, elected by the Legislature; and every portion of the system should be subject to its annual inspection and control: Hence, a necessity, that the Institution should be erected on some spot in the neighborhood of the Capitol, as near as can be chosen, consistent with health.

For such reasons your Committee ask leave to offer the following Resolutions:

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That the peace and security of the country demand that a good and sufficient jail should be built in each of the Judicial Districts of this Territory.

Resolved, That the present good, and future hopes of Florida, require that a Penitentiary should be erected and established in it: And that the Delegate is requested to ask from Congress the appropriation of thousand dollars for the above purposes.

BUCKINGHAM SMITH,
Chairman of the Committee on the State of
the Territory.

Which was read, and fifty copies ordered to be printed.

The Senate transmitted to this House, as having passed that body, an act for the relief of M. H. Martin;

Which was read and ordered for a second reading on Monday next.

Also the following, as having received the concurrence of that body:

A bill to be entitled, an act to authorise Daniel Campbell to establish a ferry across the Escambia river.

A bill to be entitled, an act to authorise Louthier Taylor to establish a ferry across the Escambia river.

A bill to be entitled, an act to incorporate the Iola and St. Joseph Canal and Rail Road Company;

Was taken from the table and placed amongst the orders of the day.

The House then adjourned until Monday next 11 o'clock.

MONDAY, February 8, 1841.

The House met pursuant to adjournment. A quorum being present, the journal of Saturday's proceedings was read.

On motion of Mr. Myers, the Sergeant-at-Arms was granted leave of absence for three days.

Mr. Duval pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act relating to the manner of appointing Overseers of Roads, and for other purposes,

Which was read, laid on the table, and fifty copies ordered to be printed.

Mr. Brown, from the Select Committee to which was referred the petition of Jesse Carter, made the following report :

The Select Committee, to which was referred the petition of Jesse Carter, have had the same under consideration, and beg leave to

REPORT :

That it appears to your Committee, that the said Jesse Carter was duly appointed Tax Collector for the County of Alachua, for the year 1839.

That the whole amount of taxes assessed in said County, for Territorial purposes, as per returns made to the Auditor's office of this Territory, was \$4,977.27; and the whole amount assessed for County purposes, was \$2,339.21. Making the total amount of assessment in said county for the year 1839, \$7316.48.

That on, or about the 15th February, 1840, your petitioner, the said Jesse Carter, paid into the Territorial Treasury, on account of revenue from Alachua County, the sum of \$250.00 And produced to the Auditor's Department, receipts

for payment to Assessors and Clerk, the sum of 67.50

Making to his credit on Territorial account the sum of \$317.50

And leaving a balance, still due on Territorial revenue, of \$4,659.77, which your petitioner represented, was for tax on lands of non residents, who refuse to pay, and that the lands were advertised for sale according to law.

Your petitioner now complains, that he has been restrained in the sale of the said lands, by injunctions issued by order of the Judge of the Superior Court for the Eastern District of Florida; and annexes to his petition, as a part thereof, the legal opinion of Counsel, employed by him—which declares :

“ 1st. The Collector of Taxes, under the act of 4th March,

"1839, has no lawful authority to sell property returned in default by Assessors, under said act ;"

"2d. The office of Assessor of taxes, created by the act of 22d November, 1828, and all the duties and penalties incident thereto, are abolished by the 13th section of the act of 4th March, 1839."

And finally, that all the revenue laws of this Territory are null and void.

Your petitioner, therefore, prays: That he may be allowed the commissions to which he would have been entitled, had the revenue laws of this Territory been of force and valid, and the whole amount of assessment, both County and Territorial, had been collected ;

That the sums paid over by him, as well County as Territorial, may be refunded to him, that he may repay them back to the persons from whom collected ;

That all the expenses incurred by him for advertising, for legal advice, &c., may be repaid to him.

That his official bonds may be cancelled, and that he may be indemnified, &c. &c.

Your Committee beg leave to remark, that the legal opinion annexed as a part of this petition, is elaborate, and may be sound—yet, as there has been no judicial decision in the case, your Committee cannot undertake to give an opinion upon a subject so grave—and beg therefore to be discharged from the further consideration thereof.

But as the subject is one of great importance, as it regards the revenue laws of this Territory ; and the legal opinion appears to be able, and well calculated to aid the Committee on Finance in their labors, your Committee respectfully recommend that this Report, and all the papers accompanying it, be committed to that Committee.

All of which is respectfully submitted.

THOS. BROWN,
THOS. M. BUSH,
EDWARD BIRD.

Which was read, and concurred in by the House.

A bill to be entitled, an act to authorize the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida, was laid on the table.

His Excellency the Governor, transmitted to the House the following communication :

EXECUTIVE DEPARTMENT, }
Tallahassee, 6th February, 1841. }

To the Legislative Council of Florida :

I respectfully inform you that I have approved the following acts and resolutions of the Legislative Council :

1. An act regulating appeals and writs of error in criminal cases.
2. An act to alter and change the name of Martha P. Blackwell, of Jefferson county.
3. An act to incorporate the town of Madison Court House.
4. An act to incorporate the Methodist Episcopal Church in the City of Tallahassee.
5. An act to repeal the third, eighth and part of the ninth sections of an act entitled, an act to authorise the Governor of Florida to raise troops, &c., approved 2d March, 1839.
6. A Preamble and Resolutions relative to appropriations, made by Congress, and not expended for the repair, &c., of certain roads.
7. A Resolution relative to an annual appropriation for the publication of the reports of the decisions of the Court of Appeals.

ROBERT RAYMOND REID.

Which was read.

Also the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, 8th February, 1841. }

To the Legislative Council of Florida :

Enclosed herewith is the report of the Auditor containing the information required by a resolution of the Senate of the 29th January 1841.

ROBERT RAYMOND REID.

Which was, with the accompanying report, referred to the Committee on Finance.

The Senate transmitted to this House a Resolution for the relief of Edward Bolen, as indefinitely postponed by that body;

Also, the following bill as having passed that body, viz : A bill to be entitled, an act in relation to Public Elections ;

Which was read, and ordered for a second reading on to-morrow.

Also the following as having passed that body—A bill to be entitled, an act to amend the acts in reference to the Tallahassee Fund ;

Which was read, and ordered for a second reading on to-morrow.

A bill to be entitled, an act regulating the fees of jailers in this Territory, was read a second time, and ordered for a third reading on Wednesday next.

A Resolution relative to the taxing of Dramatic Exhibitions was indefinitely postponed.

The Senate transmitted to this House the following as having passed that body, viz.—A bill to be entitled, an act to aid the administration of justice in the Southern District of Florida;

Which was read, and ordered for a second reading on to-morrow.

Also, the following Preamble and Resolution as having been adopted by that body, viz:

WHEREAS, by the 14th section of the act entitled, an act, to incorporate the Bank of Jacksonville, approved, February 14, 1835, it is enacted, "That the bills of the bank shall be redeemable at the banking house, during office hours, on demand, in gold or silver," and by the 18th section of said act, it is also enacted, "That on failure to redeem its bills in specie, during the office hours of the bank, on demand therefor, the charter shall be forfeited, and the Governor may appoint three receivers who shall be authorised to take the effects of said bank, and as soon as practicable thereafter, to wind up its affairs, and in such event, it shall be the duty of said receivers to apply the assets of said bank in a ratable proportion between the whole of its creditors." And by the 19th section of said act, is also enacted, "That the President and Cashier of said bank, shall make an annual statement to the Governor of this Territory, on the first day of the session of the Legislative Council, in every year, stating the precise situation of the bank; the amount of specie actually in the vault on that day, and also, a full account of all other notes, bills of exchange, and all other securities whatever due to, or owing by said bank, and the said President and Cashier shall, at the time, state positively, on oath, that the statements so made, are just and true, and that the amount so stated, to be in the vaults of said bank, is not in stock notes, and the statement, so made and sworn to, before any justice of the peace of the county shall be forwarded to the Governor of the Territory, to be by him laid before the Legislative Council, within the first week of its succeeding session. And whereas, said bank suspended specie payment in the year 1838, and hath continued to refuse specie payment in violation of the provisions of said act, up to this time. and is now in a condition which requires for the interest of the public, the interference of the Executive and Legislative authority of this Territory, according to the laws thereof. And whereas, said bank has not made any statement as required by said 19th section of said act, since the year 1838, or any other report as required by the other acts of this Territory; And whereas, by the 1st section of the act entitled, "an act to prevent the future exercise of corporate pri-

vileges by certain banking corporations, passed March 4, 1839" it is enacted, "That the district attorneys, of said Territory, be authorised, and they are hereby required to institute the requisite legal proceedings against such banking incorporations, in their respective districts, as may have incurred forfeitures of their charters, by non-user, or otherwise, to prosecute the same to effect, so that said charters can be declared null and void by the judgment of the proper courts in said district.

And whereas, said bank hath incurred a forfeiture of its charter under said law, and whereas, it appears the requisitions of said act last mentioned, has not been obeyed.

Be it therefore resolved by the Legislative Council of the Territory of Florida, That the public interest demand that the provisions of said laws be forthwith enforced, and that a copy of this resolution be signed and certified, and delivered to the Governor of Florida.

Which was read, and ordered for a second reading on to-morrow.

The House went into Committee of the Whole, on a bill to be entitled, an act to prescribe the manner of appointing patrollers, and for other purposes—Mr. McKinnon in the Chair.—After some time the Committee rose, and by their Chairman reported progress, and asked leave to sit again—which was concurred in by the House.

A memorial to the Congress of the United States for Mail Routes through the Territory of Florida, was read a second time, and laid on the table.

The Senate transmitted on a former day, the following bill, as having passed that body, viz—A bill to be entitled, an act concerning Indian depredations, and for other purposes;

Which was read, and ordered for a second reading on to-morrow.

The House then adjourned until four o'clock P. M.

4 O'CLOCK, P. M.

The House met pursuant to adjournment.

A resolution respecting Auction Taxes; was read a second time and laid on the table.

A resolution for the relief of F. L. Ming, administrator of James W. Exum, deceased;

Was read a second and third time and adopted.

A bill to be entitled, an act to change the time of holding the county court of Walton county;

Was read a second and third time and passed.

Ordered that the title be as stated.

A preamble and resolution requesting an appropriation to repair

the bridge over the swamp of the Apalachicola river—the bridge over the Chipola, near Marianna, to open a road from Marianna to Iola ;

Was read a second and third time and adopted.

A bill to be entitled, an act to give the right of lein to shipwrights material men, &c. in this Territory ;

Was read a second time and ordered for a third reading on to-morrow.

A bill to be entitled, an act to provide compensation to persons saving impaired cotton ;

Was read a second time and ordered for a third reading on to-morrow.

A bill to be entitled, an act for the relief of M. H. Martin ;

Was read a second and third time and passed.—Title as stated.

A bill to be entitled, an act to incorporate the Iola and St. Joseph Canal and Rail Road Company ; was postponed until to-morrow.

The House then adjourned until to-morrow 12 o'clock.

TUESDAY, February 9th, 1841.

The House met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Myers gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act repealing the Registry Law for the City of Apalachicola.

Mr. Duval gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act relating to the manner of bringing suits in the Courts of this Territory, and for other purposes.

Mr. Branch gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to establish a tariff of fees.

On motion of Mr. Steele—

Resolved, That a joint Committee be appointed to draft and report the compensation bill for the present session of the Legislative Council.

Messrs. Steele, Myers and Branch, were appointed on that Committee on the part of the House.

Mr. Thigpin offered the following Resolution, viz :

Be it Resolved by the Senate and House of Representatives, That both Houses do adjourn, sine die, on the 20th Feb. 1841.

Mr. Stephens moved that the same be indefinitely postponed ;

The ayes and noes were called for on this question by Messrs. Thigpin and Smith, and were—

Ayes—Mr. Speaker, Messrs. Brown, Bryan, Bush, Branch, Duval, McKinnon, Mosely, Myers, Nunes, Pent, Sadbury, Stephens, Steele—14.

Nays—Messrs. Bell, Bird, Church, Cone, Elzuardi, Evans, Fernandez, Fontane, Priest, Smith, Taylor, and Thigpin—12.

So said motion prevailed.

Mr. Steel presented the petition of S. S. Sibley, Esq., which was referred to the Committee on the Compensation Bill, appointed to-day.

The Committee on Banks, to which was referred the petition of the Southern Life Insurance and Trust Company, reported the following bill: A bill to be entitled, an act to amend the Charter of the Southern Life Insurance and Trust Company;

Which was read, and written copies ordered.

Mr. Bush, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled:—

An act to authorize Daniel Campbell to establish a ferry across Escambia River;

An act to incorporate the town of Jacksonville;

An act to incorporate the First Baptist Church of Jacksonville;

An act to amend an act, entitled, an act to establish a Board of Port Wardens and Commissioners of Wrecks for the Port of Apalachicola;

An act to incorporate the town of Mandarin.

Mr. Bush moved that the Committee on Enrolled Bills be permitted to report at any time during the session of the House;

Which motion was carried.

A bill to be entitled, an act to incorporate the Monticello Rail Road Company, was read a second and third time, and put upon its passage;

The Ayes and Nays were called for on this question by Messrs. Smith and Thigpin, and were,

Ayes—Mr. Speaker, Messrs. Bell, Bird, Brown, Bryan, Branch, Church, Cone, Duval Elzuardi, Evans, Fernandez, Mosely, Myers, Nunes, Pent, Priest, Sadbury, Stephens, Steele and Taylor—21.

Nays—Messrs. Bush, Fontane, McKinnon, Smith, Thigpin and Williams—6.

So said bill passed.

Ordered that the title be as stated.

The Senate sent to this House the following bills, as having received the concurrence of that body:

An act to organize the Saint Augustine City Guards.

An act to extend the powers of the Port Wardens, for the Port of Pensacola, in Escambia County;

An act to allow Lawrence O. Branch to practice Law in the Courts of this Territory;

An act to amend an act, entitled, an act constituting a board of Wardens, Commissioners of Pilotage, and Commissioners of Wrecks, &c. for the Port of Jacksonville, and other places therein provided for, approved February 28th, 1839; and

An act to amend an act, declaring Juniper Creek, in Escambia County, a navigable stream;

Also, that they had rejected the following bill, passed on a previous day by this House:

An act to authorize Henry Lander to establish and keep a ferry across the St. Marks River, opposite the city of Port Leon, in the County of Leon.

The House then adjourned until to-morrow morning, at 10 o'clock.

WEDNESDAY, February 10th, 1841.

The House met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Myers gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to amend an act incorporating the city of Apalachicola.

Mr. Duval moved, that a Committee of one member from each Senatorial District be appointed, with instructions to ascertain the value of the printing for the year 1841, guided by the prices paid for such printing during the three previous years ;

Which motion prevailed.

Messrs. Duval, Bush, Smith and Elzuardi, were appointed on said Committee.

Mr. Bush, from the Committee on Enrolled Bills, reported as correctly Enrolled, a bill entitled, an act to authorize Louther Taylor to establish a ferry across the Escambia River.

Mr. Branch, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to establish a tariff of fees ;

Which was read, referred to the Committee of the Whole House on Friday next, and 50 copies ordered to be printed.

The Senate transmitted to this House the following bill, viz.—

An act to prevent breaches of the Peace, and more effectually to preserve order, as having passed that body ;

Which was read, and ordered for a second reading on to-morrow.

Also the following—

A bill to be entitled, an act to repeal an act entitled, an act to amend an act concerning dower ;

Which was read, and ordered for a second reading on to-morrow.

Also the following—

A bill to be entitled, an act to establish a Court for the trial of crimes and misdemeanors, committed by slaves and free persons of colour,

Which was read, and ordered for a second reading on to-morrow.

Also—A Report of the Committee on the State of the Territory of that body, recommending the adoption of an accompanying memorial to Congress, asking an appropriation to complete the Capitol;

The report was concurred in, and the memorial adopted.

The House went into Committee of the Whole, on a bill to be entitled, an act to secure to the people of this Territory a sound currency—Mr. Steele in the Chair—after some time spent in consideration thereof, the Committee rose, reported progress, and asked leave to sit again;

Which report was concurred in, and said bill made the special order of the day for Monday next.

A bill to be entitled, an act regulating the fees of jailers in this Territory, was postponed until Friday next.

The House went into Committee of the Whole, on the Report of the Committee on the State of the Territory, in relation to jails and a Penitentiary in this Territory—Mr. Bell in the Chair—after some time spent in consideration thereof, the Committee rose, and by their Chairman reported said bill to the House with amendments;

Which Report was received, and said report ordered for a second reading on to-morrow.

A bill to be entitled, an act to amend the acts in reference to the Tallahassee Fund, was read a second time, and ordered for a third reading on to-morrow.

The House went into Committee of the Whole, on a bill to be entitled an act in relation to Public Elections—Mr. Myers in the Chair—after some time spent in consideration thereof, the Committee rose, and by their Chairman reported said bill to the House, with sundry amendments;

Which was concurred in by the House, said bill read a second time, and ordered for a third reading on to-morrow.

The Senate transmitted to this House a communication, informing the House that they had adopted the resolution relative to a Compensation Bill, and had appointed on their part as a Committee, Messrs. English, Pelot and Livingston.

Mr. Bush, from the Committee on Enrolled bills, reported as correctly enrolled—

An act to allow Lawrence O. Branch to practice law in the Courts of this Territory; and

An act to amend an act, declaring Juniper Creek, in Escambia County, a navigable stream.

The House then adjourned until to-morrow morning, at ten o'clock.

THURSDAY February 11th, 1841.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Stephens presented the petition of Isaac R. Harris, and divers other citizens of Gadsden County, praying that certain punishment be remitted upon John Wooten;

Which was read, and referred to the Judiciary Committee.

Mr. Fernandez offered the following resolution, viz:

Be it Resolved by the Senate and House of Representatives,
That both Houses adjourn sine die, on the 28th instant.

Which was read and laid on the table.

Mr. Bush, from the Committee on Enrolled Bills, reported as correctly enrolled:

An act to extend the powers of the Port Wardens for the Port of Pensacola, in Escambia County;

An act to amend an act constituting a board of Wardens, Commissioners of Pilotage, and Commissioners of Wrecks, &c., for the Port of Jacksonville, and other places therein provided for, approved February 28th, 1839, and

An act to organize the St. Augustine City Guards.

Mr. Myers, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to repeal the 4th section of an act entitled, an act to amend an act passed January 31st, 1838, entitled an act to incorporate the city of Apalachicola, approved March 2d, 1839;

Which was read, and ordered for a second reading on tomorrow.

Mr. Bush, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act in relation to free negroes, mulattoes, and free persons of color;

Which was read, and fifty copies ordered to be printed.

Mr. Stephens, from the Committee of Finance, to which was referred the report of the Treasurer of the Territory, reported that the Committee had examined the same, and find it to be correct, which report was received and concurred in.

Mr. Speaker laid before the House two communications from the Hon. Charles Downing;

Which were read and laid on the table.

His Excellency the Governor transmitted to this House the following message, viz:

EXECUTIVE DEPARTMENT,
Tallahassee, 10th February, 1841.

To the Honorable the Legislative Council of Florida:

In obedience to the Resolutions of the Legislative Council, upon the basis prescribed therein, I have ascertained the

several amounts due to the Regiment of Colonel Robert Brown, and the Battalion of Major Isaac Garrason, for services in the year 1838, as follows.

To Col. Robert Brown's Regiment,	\$121,222 50
To Major Isaac Garrason's Battalion,	85,354 77

\$206,577 27

The Resolutions passed unanimously by the Legislative Council, require me to settle those claims, under the act of the 10th February, 1838, which authorises the negotiation of a loan; and I consider it proper to inform you, that I shall forthwith issue Bonds in liquidation of the above stated debt, to be negotiated as the Legislative will prescribes, at their par value.

I shall endeavor to make a speedy reclamation of the amount from the Government of the United States.

ROBERT RAYMOND REID.

Which was read.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, 10th February, 1841.

To the Legislative Council of Florida:

I respectfully transmit, in obedience to your wishes, a statement of the votes taken for and against the Constitution. The returns are all on file in the Executive Department, and were so, for many months, before I came into office. They are open to the examination of the Legislative Council, or of any individual who takes an interest in the subject. Copies of the whole would have been presented to you, had there been time to prepare so voluminous a document.

COUNTIES.	PRECINCTS.	CONSTITUTION	NO CON.
Escambia,	Pensacola,	27	168
do.	Navy Yard, 2d	3	27
Calhoun,	St. Joseph,	50	233
do	Iota,	15	33
do	Chipola,	5	9
Washington,	Jones' Store, Econfence	12	18
do	Hickory Hill,	3	3
do	Roches Bluff,	0	32
Walton,	Pea River,	10	0
do	Court House,	23	27
Jackson,	Ochopee,	39	0
do	M. C. Nealeys,	5	9
do	Campbleton,	40	41
do	Webbville,	2	15
do	Marianna,	103	48
do	Browns Ferry,	53	3
Franklin,	Apalachicola,	94	117
Gadsden,	Sadbury's,	10	0
do	Chattahoochie,	33	0
do	Thomas' Store,	20	28
do	Quincy,	141	67
Leon,	St. Marks,	91	17
do	Magnolia,	42	2
do	Shell Point,	24	0
do	Micasukie,	83	14
do	Tallahassee	242	09
Jefferson,	Precinct No. 1,	175	113
do	do No. 2,	14	33
do	do No. 3,	34	0
do	do No. 4,	33	0
do	do No. 5,	34	0
do	do No. 6,	5	0
do	do No. 7,	32	0
Madison,	San Pedro,	13	0
do	Court House,	38	16
Hamilton,	Bells House,	16	45
do	Bel & Johnson's Store,	3	0
Columbia	Mineral Springs,	11	33
do	Supps Store,	3	34
do	Fort Call,	24	15
do	Alligator Tackers,	3	40
do	Caryers House,	0	17
Nassau,	Court House,	0	11
do	Kings Ferry,	0	28
Alachua,	Newnansville,	42	6
do	Fort Clark,	16	0
do	Fort Crane,	24	0
do	Fort White,	18	0
do	Fort Harloe,	0	28
Daval,	Cedar Creek,	3	0
do	Mandari,	24	18
do	St. John's Bluff,	0	28
do	Whitesville,	7	108
do	Jacksonville,	8	147
St. Johns,	St. Augustine,	24	224
do	North River,	56	4
do	Moccasin Branch,	11	18
Dade,	Indian Key,	59	0
do	Key Vaccas,	5	0
Munroe,	Pine Key,	6	7
do	Key West,	91	11
Hillsborough,	Tampa Bay,	58	49
		2072	1953

Majority in favor of the Constitution, 119.

From the above statement 26 votes returned from Fort Harlee, in Alachua County, "No Constitution," should be deducted; they were given in as "No State" votes.

The following irregular returns have not been admitted into the calculation:

At Parish's, Columbia County, "No State,"	22
At Fernandina, Nassau County, " "	14
At Finks, " " "No Convention,"	9
At Kirklands, " " "No State,"	25

A mistake has, perhaps, occurred in the return from Fort Crane—the vote may have been 14, instead of 24, for the Constitution.

The provision of the Constitution, under which the above votes must be rejected is as follows: "Each qualified voter shall express his assent or dissent to the Constitution, by directing the managers of said election to write opposite to his name on the Poll Book, either the word "Constitution" or "No Constitution." Of course, votes not in the form thus prescribed are void.

I will only add, that by the 17th article of the Constitution, the President of the Convention is required to make Proclamation *of the result*, which was done as soon as it was ascertained that the popular vote was in favor of the Constitution.

ROBERT RAYMOND REID

Which was read, and referred to the Committee on the State of the Territory.

The Senate transmitted to this House a bill to be entitled, an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes, with sundry amendments to the body of the bill; which were concurred in by the House. Upon the amendment to second section, by striking out all after the words "property" in the 9th line, to the word "and" in the 13th line, and inserting "from any point in the Gulf of Mexico to the City of Tallahassee, and to continue the same to any point on the Georgia line, or to any point on the Atlantic within the Territory of Florida," the ayes and nays were called for by Messrs. Thigpin and Nunes, and were:

Ayes.—Mr. Speaker. Messrs. Bannerman, Brown, Bryan, Bush, Church, Cone, Duval, Elzuardi, Evans, Fontane, McKinnon, Mosely, Myers, Nunes, Pent, Priest, Sadbury, Stephens, Steele and Taylor—21.

Nays.—Messrs. Fernandez and Thigpin—2.

So said amendment was concurred in.

The title was altered by the Senate so as to read—An act to

incorporate the New Orleans, Florida and Atlantic Transportation Company in Florida, and for other purposes ;

Which was concurred in by the House.

A bill to be entitled, an act to aid the administration of Justice in the Southern District of Florida, was indefinitely postponed.

A bill to be entitled, an act to repeal an act for the relief of the Militia and Volunteers of Florida, called into the service of the United States during the present Indian war, approved Feb. 12th. 1836, was indefinitely postponed.

The House went into Committee of the Whole on a bill to be entitled, an act to prescribe the manner of appointing patrols, and for other purposes—Mr. McKinnon in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported said bill to the House, with sundry amendments ;

Which report was received and concurred in, and said bill laid on the table.

The House went into Committee of the Whole on a bill to be entitled, an act concerning Indian depredations, and for other purposes—Mr. Brown in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported said Bill to the House, with sundry amendments ;

Which report was concurred in, said bill read a second and third time, and passed ;

Ordered that the title be as stated.

Mr. Steele moved, that a bill entitled, an act to incorporate the Tampa and St. Johns Rail Road, Canal and Steam Boat Company, be placed third among the orders of the day for to-morrow :

The ayes and nays were called for on this question by Messrs. Stephens and Sadbury, and were—

Ayes—Messrs. Myers, Smith and Steele—3.

Nays—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bush, Branch, Church, Cone, Duval, Elzuardi, Evans, Fernandez, Fontane, McKinnon, Mosely, Nunes, Pent, Priest, Sadbury, Stephens, Taylor and Thigpin—22.

So said motion was lost.

The House then went into secret session on Executive nominations.

After some time the door was opened.

The House then adjourned until to-morrow morning, at 10 o'clock.

FRIDAY, February 12th, 1841.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Brown gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act amendatory to the several acts incorporating the Central Bank of Florida.

Mr. Cone presented the presentments of the Grand Jury of Alachua County;

Which were referred to a Select Committee;

Messrs. Cone, Smith and Steele were appointed said Committee;

Mr. Brown presented the petition of Ben F. Whitner, praying compensation for public printing in 1840;

Which was read, and referred to a Select Committee appointed on a former day to draft a Compensation Bill.

Mr. Speaker presented a memorial of the Stockholders of the Union Bank of Florida, praying that that Bank be permitted to sell the Territorial Bonds now in possession of the Bank, below par;

Which was referred to the Committee on Banks, and a copy thereof directed to be sent to the Senate, with the request of the House that that body do appoint a Committee to deliberate with the Committee on Banks on said memorial.

Mr. Mosely offered the following Resolution, viz:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws in relation to the settlement of the estates of deceased persons, and that they report by bill or otherwise.

Which was adopted.

Mr. Taylor offered the following resolutions, viz:

WHEREAS, it is satisfactorily shown to the Legislative Council, that a company of Florida volunteers, under the command of Capt. John T. Hagan, rendered service as volunteers in the year 1839, and were regularly mustered out of service by the proper Territorial Officer, and, whereas, the volunteers of said company have not been paid, as, in good faith, they should be.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the Executive of this Territory, upon satisfactory showing of the claims of said volunteers, issue Territorial Bonds, to be sold at par, and appropriated under direction of the Governor, to the payment of said company.

Also a detachment of four men belonging to Capt. Reddings Company of Florida volunteers.

Which was read and referred to a Select Committee;

Messrs. Taylor, Cone, Branch, Mosely and Bell, were appointed on said Committee.

Mr. Mosely, from the Committee on the Judiciary, made the following report—

The Committee on the Judiciary, to which was referred the petition of sundry citizens of the County of Gadsden, praying the remission of a part of the sentence imposed by the Judge of the Superior Court of the County of Gadsden, upon John Wooten, have instructed me to ask to be discharged from the further consideration of the same, and to recommend its reference to the Committee of Claims as a more appropriate Committee.

All of which is respectfully submitted.

W. D. MOSELEY, Chairman.

Which report was not concurred in, and said petition referred back to the Committee on the Judiciary, with leave to report by bill or otherwise.

Mr. Mosely made the following report—

The Committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of amending the law in relation to the settlement of the estates of deceased persons, beg leave to report the following bill and recommend its passage into a law, all of which is respectfully submitted.

W. D. MOSELEY, Chm'n.

A bill to be entitled, an act in addition to the several acts now in force establishing County Courts;

Which was read, and fifty copies ordered to be printed

The Senate sent to this House a preamble and resolution relative to a Bridge of the Apalachicola Swamp, the Bridge of the Chipola near Marianna, and a road from Marianna to Iola as having received the concurrence of that body;

Also, as concurred in by that body, a bill entitled, an act to change the time of holding the County Court of Walton County

His Excellency the Governor transmitted to this House the following communication—

**EXECUTIVE DEPARTMENT, }
Tallahassee, 11th February, 1841. }**

To the Legislative Council of Florida:

I herewith transmit to you a letter from the Auditor, in relation to arrearages due to and from the Territorial Treasury.

ROBERT RAYMOND REID.

Which was read, and fifty copies of the said report ordered to be printed.

The House went into Committee of the Whole, on a bill to be entitled, an act to establish a tariff of fees, and a bill to be entitled, an act regulating the fees of jailers in this Territory—**Mr. Duval in the Chair. After some time the Committee rose, and**

by their Chairman reported the first bill, with all after the enacting clause stricken out.

Upon the question of concurring in said report, the ayes and nays were called for by Messrs. Branch and Bannerman, and were :—

Ayes—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Bush, Church, Cone, Duval, Elzuardi, Fernandez, McKinnon, Myers, Pent, Priest, Sadbury, Stephens, Steele, Taylor and Thigpin—21.

Nays—Messrs. Branch, Nunes, Smith and Williams—4.

So the report was concurred in.

The Chairman reported the second bill to the House, with an amendment ;

Upon concurring in the Report on said bill, the ayes and nays were called for by Messrs. Duval and Brown, and were—

Ayes—Messrs. Bannerman, Bell, Bryan, Bush, Branch, Church, Cone, Fernandez, McKinnon, Sadbury, Smith, Stephens, Taylor and Thigpin—15.

Nays—Mr. Speaker, Messrs. Brown, Duval, Elzuardi, Mosely, Myers, Nunes, Pent, Priest, and Steele—10.

So said report was concurred in.

The bill entitled, an act to establish a Tarriff of Fees, was indefinitely postponed.

A bill to be entitled, an act giving the right of lien to shipwrights material men. &c. in this Territory ;

Was read a third time and passed.

Ordered that the title be as stated.

A bill to be entitled, an act to provide compensation to persons saving impaired cotton ;

Was read a third time and passed.

Ordered that the title be as stated.

Mr. Steele moved that a bill to be entitled, an act to aid the administration of Justice in the Southern District of Florida be reconsidered.

On this question the ayes and nays were called for by Messrs. Bannerman and Brown, and were :

Ayes—Mr. Speaker, Messrs. Brown, Bryan, Bush, Branch, Church, Cone, Duval, Elzuardi, Fernandez, Mosely, Myers, Priest, Sadbury, Stephens, Steele and Thigpin—17.

Nays.—Messrs. Bannerman, McKinnon, and Pent,—3.

So said motion prevailed, and said bill was placed among the orders of the day for to-morrow.

The House went into Committee of the Whole on a bill to be entitled, an act to incorporate the Iola and St. Joseph Canal and Rail Road Company.—Mr. Stephens in the Chair—after some time spent in consideration thereof the committee rose, and by their chairman, reported said bill to the House amended ;

Which report was concurred in, said bill read a second time and ordered for a third reading on to-morrow.

Mr. Brown then moved that this House do now adjourn until Monday next 10 o'clock, A. M.

Upon this question the Ayes and Nays were called for by Messrs. Fernandez and Duval, and were,

Ayes.—Messrs. Bannerman, Brown, Bryan, Cone, McKinnon, Myers, Nunes, Pent, Sadbury and Stephens—10.

Nays.—Mr. Speaker, Messrs. Bush, Branch, Church, Duval, Fernandez, Fontaue, Moseley, Priest, Steele, Taylor and Thigpin—12.

So said motion was lost.

The House then adjourned until to-morrow morning 10 o'clock.

SATURDAY, February 13th, 1841.

The House met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Thigpin gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to repeal an act concerning bastard children, approved Jan. 5th, 1828.

Mr. Brown, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act amendatory to the several acts incorporating the Central Bank of Florida;

Which was read, and referred to the Committee on Banks.

Mr. Duval, from the Select Committee, to which was referred the petition of Benjamin G. Thornton, made the following report:

The Special Committee, to whom was referred the petition of Benjamin G. Thornton, beg leave to

REPORT IN PART:

That in the year 1828, the petitioner entered into contract with John P. Duval, Esquire, Commissioner of the Tallahassee Fund, acting for and in behalf of the Territory, to erect a Capitol, by which the Petitioner undertook, for the sum of \$17,000, to erect and cover the building—which was designed to be a large one—and to furnish all the wood work, and other materials necessary for the purpose, except the brick, which formed the subject of a separate contract, and was to be furnished by another individual for \$6000. It appears from the evidence before your Committee, that the petitioner

Thornton, immediately proceeded to the execution of his part of the contract; and in the course of the year above mentioned, and that which followed, erected at great expense a very substantial saw mill, which had commenced successful operations, collected a large quantity of lumber, constructed a line kiln, quarried an amount of lime stone sufficient to supply lime for the building and hauled the wood necessary to burn it, purchased and maintained oxen, mules, wagons, &c., and employed the requisite number of workmen. During the whole portion of the time he was engaged in these operations, embracing a period of fifteen or eighteen months, the petitioner, although laboring under great embarrassments, created chiefly by the Territory failing to make adequate advances in money, never relaxed in his efforts to fulfil his part of the contract. It appears that, in the latter part of the year 1829, the Commissioner declined making further advances, and the Legislative Council afterwards refused to progress with the work. Rejecting, as far as possible, the minor details of this controversy, your Committee proceed to observe, that the Petitioner instituted suit against the Territory, which was thrown out of Court, on the ground that the Territory was not liable to suit. That in a suit brought immediately after by the Territory against him, the jury, after a patient investigation, gave a verdict in favor of Thornton. Your Committee take leave to recommend this solemn verdict of a jury to the attention of the Council, as furnishing a type of all the subsequent decisions on this claim, made by men clothed with legal authority, and put upon their honor and their oaths, with, perhaps, a single exception.

It appears that the Petitioner then determined to seek redress in legislation, and throw himself on the justice and generosity of the Council. His appeal, accompanied no doubt by requisite testimony, seems to have produced a just impression in this body. In 1833, the Council passed an act, providing for the settlement of his claim, by reference to arbitrators. It appears that, Mr. Berthelot, chosen by the Petitioner, allowed all the charges of the Commissioner against the Petitioner, although these charges made as money advanced, really consisted in goods and not money, and deducting them from the whole amount stipulated to be paid by the Territory, awarded the balance—nearly \$13,000—to Mr. Thornton. Mr. Chandler, in his report, awarded nothing. In consequence of this disagreement, the decision devolved on Col. Randolph, the umpire, who awarded to the Petitioner one-half the amount allowed by Mr. Berthelot. Your Committee regret that the report of the umpire, drawn up, as they have been informed, in a masterly manner, and presenting a very clear view of the case, has been lost while in custody of the Territory; and they further regret that this award was not adopted by the Territory, and made the basis of a final settlement with the Petitioner, which would have been a good compromise to the Territory, and at that time have satisfied the Petitioner.

In short, it appears to your Committee, that Benjamin G. Thornton, who at the date of the contract, gave fair promise, in his eminent skill and genius as a mechanic, in his habits of industry and sobriety, and in his enterprising spirit, of becoming one of the most useful citi-

ness of Florida, has been grossly wronged and injured by acts of the Territory and its public servants, and reduced from the condition of that "prosperous mechanic," described in the important testimony of Gen. Duval, to want and penury. It is a fact of general notoriety, that his mansion, several lots owned in this city, some slaves, and a very complete set of tools together with a large number of mules, the saw mill and workshop, kiln, limestone, wood, &c., were all sacrificed in consequence of the unfortunate interposition of the Territory—and that it is the solemn duty of the Council to render him such imperfect justice as is now in its power to afford.

It appears to your Committee :

1st. That the Territory—either from the want of funds, or rather the waste of ample funds at its control—or caprice—or some other cause—committed a breach of contract, and is consequently liable to the Petitioner for the full amount of damages, according to the laws of the land ;

2d. That the Petitioner, Thornton, was, at times, willing and anxious, to perform his part of the contract ; and, for a period of 15 or 18 months, devoted himself with great zeal and fidelity to its performance ;

3d. That the controversy between the Territory and the Petitioner has been decided in favor of Thornton, by that tribunal universally considered the most holy and incorruptible known to our free republican institutions—an impartial jury ;

4th. That successive Legislative Councils have evinced a disposition to decide, or have actually decided, in the same manner ;

5th. That arbitrators, created by the Legislative Council, and composed of competent and disinterested persons, have also decided in the same manner ;

6th. That if the parties litigant had been private individuals, Thornton's claim to the full amount of the bonds would have been long since established by a Court of Justice.

In conclusion, your Committee are unanimously of opinion—an opinion which, at least with a majority, is a settled and solemn conviction, not to be changed or shaken,—that the claim of Benjamin G. Thornton is one of the clearest merit, and that he is entitled to the fullest relief the Council can afford. This conviction is founded on evidence already in the possession of the Committee ; but they are led to believe that other corroborative testimony will be received in a few days, when they will make their final report. In the mean time, they beg leave to report the following bill :

AN ACT

For the Relief of Benjamin G. Thornton.

Be it enacted by the Legislative Council of the Territory of Florida, That Benjamin G. Thornton be allowed, out of the Tallahassee Fund the sum of _____, and that the same be paid to him forthwith, upon his executing a release in full to the Territory, of all claims and demands arising from his contract for building the Capitol.

Which was, with accompanying documents, ordered to be printed.

The House received from the Senate, as having been adopted,

a Preamble and Resolution in favor of F. L. Ming, Administrator of Jas. W. Exum, deceased ;

Which was ordered to be Enrolled.

A Preamble and Resolution from the Senate, relative to auction taxes, was laid on the table.

Mr. Steele offered the following Resolution, viz :

Resolved, That a Select Committee be appointed, to direct that the wooden mantel pieces of the Chamber of the House of Representatives be so altered, as to prevent the danger of fire to which the building is now liable.

Which Resolution was adopted, and Messrs. Steele, Elzuardi and Evans appointed said Committee.

The House received from the Senate, as passed by that body, a bill entitled, an act to require specie payments, and to provide remedies for the violation of Charters and Contracts by the Banks of Florida ;

Which was referred to the Committee on Banks.

A bill to be entitled, an act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida, was read a third time, and put upon its passage.

Upon this question the aye and nays were called for by Messrs. Fernandez and Priest and were.

Ayes, Mr. Speaker, Messrs. Bannerman, Brown, Bryan Bush, Church, Cone, Duval, Elzuardi, Evans, McKinnon, Myers, Nunes, Pent. and Sadbury, 15.

Nays—Messrs Bell, Bird, Fernandez, Fontane, Mosely, Priest, Smith, Stephens, Steele and Taylor—10.

So said bill passed:

Ordered that the title be as stated.

A bill to be entitled, an act to amend the acts in reference to the Tallahassee Fund,

Was read a third time and passed.

Ordered that the title be as stated.

A bill to be entitled, an act in relation to Public Elections, was read a third time.

Mr. Stephens offered the following amendment to the 18th section : " And it shall not be lawful for the Inspectors, or any other person, to examine or compare any of the said ballots with the Poll Book, for the purpose of ascertaining how any individual may have voted, unless the same shall be necessary for the purpose of purging the polls ;"

Which amendment was agreed to ;

Mr. Smith moved that the 18th section of said bill be stricken out ;

On this question, the ayes and nays were called for by Messrs. Smith and Fontane, and were,

Nays—Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Bush, Branch, Church, Duval, Elzuardi, Evans, Fernandez, Fontane, McKinnon, Myers, Pent, Priest, Sadbury, Stephens, Steele and Thigpin. 20.

So said motion was lost.

Mr. Steele offered the following amendment to section 8th, viz: "Provided, that this act shall not preclude from voting, any officer of the army, navy or revenue service, who shall be the owner of Real Estate in this Territory.

The ayes and nays were called for on this question by Messrs. Steele and Mosely, and were:

Ayes. Mr. Steele. 1.

Nays. Mr. Speaker, Messrs. Bannerman, Bell, Bird, Brown, Bryan, Bush, Branch, Church, Cone, Duval, Elzuardi, Evans, Fontane, McKinnon, Mosely, Myers, Nunes, Pent, Priest, Sadbury, Smith, Stephens and Thigpin. 24.

So said amendment was lost.

The bill was then put upon its passage;

The ayes and nays were called for on this question by Messrs. Thigpin and Smith, and were:

Ayes. Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Bush, Branch, Duval, Elzuardi, Evans, McKinnon, Nunes, Pent, Sadbury, Stephens, and Steele—15.

Nays—Messrs. Bell, Bird, Church, Cone, Fontane, Mosely, Myers, Priest, Smith and Thigpin—10.

So said bill passed. Title as stated.

A bill to be entitled, an act to incorporate the Iola and St. Joseph Canal and Rail Road Company, was postponed till Monday next.

Mr. Duval gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, an act relating to the manner of hunting and killing hogs in the Territory of Florida, and for other purposes.

His Excellency the Governor, transmitted to the House the following communication:

EXECUTIVE DEPARTMENT, }
Tallahassee, February 12, 1841. }

To the Legislative Council of Florida:

I respectfully inform you that I have approved the following acts of the Legislative Council, viz:

An act to incorporate the town of Mandarin.

An act to incorporate an Academy in the county of Leon, and the trustees thereof.

An act to incorporate the First Baptist Church at Jacksonville.

An act to amend an act entitled, an act to establish a Board of Port Wardens and Commissioner of Wrecks, for the Port of Apalachicola.

An act to authorise Daniel Campbell to establish a ferry across Escambia river.

An act to incorporate the town of Jacksonville.

An act to authorise Louther Taylor to establish a ferry across the Escambia river.

An act to amend an act declaring Juniper creek, in Escambia county, a navigable stream.

An act to allow Lawrence O'B. Branch to practice law in the courts of this Territory.

ROBERT RAYMOND REID.

Which was read.

Mr. Church presented the petition of S. J. Perry, which was referred to the Committee on Claims

A resolution relative to the final adjournment of the Legislative Council was laid on the table.

The House then adjourned until Monday next, 10 o'clock.

MONDAY, February 15th, 1841.

The House met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Duval presented the petition of S. W. Brown, praying remuneration for services performed during the present Indian War, as 2d Lieut.

Which was read and referred to the committee on Claims.

Mr. Elzardi offered the following resolution, viz :

Resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress be requested to urge upon that body the enactment of a law giving the franking privilege to the Governor of this Territory.

Which was adopted.

Mr. Church offered the following resolution, viz :

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of amending an Act concerning the appointment and jurisdiction of Justices of the Peace.

Which was read and adopted.

Mr. Duval offered the following resolution, viz :

Resolved, That the Secretary be requested to furnish to this House a copy of the report made by Jas. A. Dunlap of the council of 1829, on the case of Benj. G. Thornton.

Which was adopted.

Mr. Bush made the following

REPORT.

The committee on Enrolled Bills have directed me to report the following Preamble and Resolution as correctly enrolled.

Preamble and Resolution asking the Congress of the United States for an appropriation of ten thousand dollars for the repairs of the Bridges over the Apalachicola Swamp and the Chipola River, and for opening and constructing a road from Marianna to Iola.

THOMAS M. BUSH,
Chair'n committee on Enrolled Bills.

The committee on Enrolled Bills have directed me to report the following Bill as correctly Enrolled.

An Act to change the time of holding the county court of Walton county.

THOMAS M. BUSH, chairman
committee on Enrolled Bills.

Mr. Cone from the select committee to which was referred the petition of John F. Hagan, reported the following Resolution, viz:

Resolved by the Senate and House of Representatives of the Territory of Florida, That the Governor be and he is hereby authorised and requested to settle, under an "Act to authorise the Governor of Florida to raise Troops for the defence of the frontier, and for other purposes," approved March 2d 1839, and also under an Act for the relief of the Florida Troops during the Indian war approved Feb. 10, 1838, the claims of a company of volunteers commanded by Capt. John F. Hagan, for military services rendered in the year 1839 for the term of four months.

Resolved further, That the Governor be and he is hereby authorised to settle in like manner the claims of several detachments of volunteers, consisting of (4) four men commanded by Capt. Redding; also, (22) twenty-two men commanded by Capt. Thos. Langford; also (10) ten men commanded by Capt. William Newburn, for military services rendered in the year 1839, for a term not exceeding four months.

Resolved further, That the Governor be and he is hereby instructed, before settling said claims, to require of the officers commanding said company and detachments, properly certified muster rolls of the services rendered, signed by the Captain and countersigned by the Inspector and Mustering officer.

Resolved further, That the Governor, (immediately after ascertaining the amount due said company) be requested to apply to the proper authorities at Washington city for the pay of the same from the United States, and in failing to procure which

he shall proceed forthwith to settle said claims according to the instructions in the act under which the Troops were raised.

Which was read a first and second time and ordered for a third reading on to-morrow.

Mr. Smith from the committee on the state of Territory made the following

REPORT.

The Select Committee, appointed to inquire as to the validity of the 6th section of the act, passed February 11th, 1838, entitled, "An act further to amend the Charter of the Southern Life Insurance and Trust Company," altering the 19th section of the original act, incorporating said Institution, to the prejudice of the vested rights of the bill holders, without their express consent; and to inquire as to the power of the Council, to repeal and modify said section, and to report by bill or otherwise:—

REPORT:

That the Southern Life Insurance and Trust Company was incorporated on the 14th day of February, 1835, and commenced its operations in the same year. An amendatory act was passed on the 12th of February, 1836; another on the 12th of February, 1837; and a third on the 11th of February, 1838.

In the inquiry made in June, 1836, by a committee of the Senate of the United States, into the character and condition of the Banks of Florida, this act of incorporation, and an act "increasing the capital of the Bank of Pensacola," are remarked for "their extraordinary nature and provisions," are "declared highly imprudent, that they ought not to have been passed, and submit to the Senate whether they ought now to be suffered to be carried into effect, without proper amendments." The Hon. Daniel Webster, who was Chairman of that Committee, thus concludes the report:

"But, it is not for Congress to make these amendments, though it should deem them necessary. The power of Congress is a simple power of disapproving the whole act; and if nothing had been done under them, the committee would not hesitate to recommend such disapproval. Nor do they now mean to say, that such disapproval would be unjust; because Congress has had no earlier opportunity to examine those laws, and to act upon the question of annulling them, and it is hardly to be presumed that prudent men have ventured far, under such a charter, granted by a Territorial Legislature, whose acts were well known to be subject to the revision of Congress.

"But it is competent for the Territorial Legislature, with the consent of the corporations, to amend the charters in any manner deemed proper; and the resolution which the Committee report to the Senate, in relation to these two acts will show that, in the judgment of the committee, it is expedient to give the corporators an option, and an opportunity to obtain proper amendments to their charters, if they see fit."

The legislation which enacted these laws—the magnitude of the capital—the guarantee of the Territory—and the grants of extraordinary powers—are the subjects of severe comment; but the censure was as little regarded by the Legislature as by the Banks; and the Life and Trust alone, obtained two amendments in the two next succeeding years, when its “option and opportunity to obtain proper amendments,” were used but to increase its powers, rendering them, if possible, more extraordinary, and more immediately alarming. The original charter had stipulated as follows:

“Sec. 19. The company shall have power to issue bills or notes other than drafts or bills of exchange, to the amount of the capital actually paid in, and shall not exceed the same, on pain of forfeiture of their charter. Said bills and notes to be signed by the President and Secretary, or Cashier of said Corporation; and said Corporation shall never refuse or suspend the payment in specie of any of their notes or obligations, or of any funds received by them in deposit, on lawful demand being made; and if the said Corporation shall refuse or suspend payment, the bearer of any note or obligation, or any person having the right to demand or receive the amount of funds deposited as above mentioned, shall be entitled to recover interest at the rate of *twelve per cent. per annum*, until they shall tender payment thereof, with interest as aforesaid, in specie at their counter; and unless payment shall be so made, or a tender thereof, within ninety days, the charter of said Company shall be considered *forfeited*, and they shall cease all operations as a Corporation, except so far as shall be necessary to close their concerns and fulfil existing contracts.”

These salutary provisions are almost entirely destroyed by the last amendatory act, which is this:—

“Sec. 6. That in lieu of the penalties and forfeitures imposed by the 19th section of the act creating the said Corporation, in refusing or suspending the payment of specie for its notes or obligations, or of any fund received by them in deposit, for the term of ninety days, that if the said Corporation shall at any time hereafter refuse or suspend payment in specie on any of its notes or obligations, or of any funds deposited with said company, on lawful demand being made, the bearer of such notes or obligations, or any person having the right to demand or receive the amount of funds deposited as above mentioned shall be entitled to recover interest at the rate of *ten per cent. per annum* on the amount, until the said Company shall tender payment thereof, with damages as aforesaid, in specie, at their counter.”

The Journals of the Legislative Council of the year 1838, (pages 52, 3, 61, 85, 110, 128,) show that the bill for this last act was offered and supported by a member, who was a Trustee of the Company; and as it was not supported by any memorial before the Council, the act is believed to have been done at the instance of the Bank. Neither was this amendment made in consequence of any such application by the bill holders, or other creditors of the company; on the contrary, the committee are satisfied it was done without their consent, expressed or implied. The act has been adopted by the institution. The impropriety of the alteration must be obvious, as it goes directly “to impair the obligation of contracts.”

Banking corporations, which owe their being to the public, and are created only for its convenience, claim exemption from legislative changes, made without their consent. They hold that no considerations of public policy, or public good, justify other alterations. Such argument is a concession, that if the rights they claim as "vested," cannot be effected by legislation for the benefit of the public, then neither can the equally sacred and "vested" rights of the bill holders and other creditors, be affected by subsequent legislation, for the benefit of the Stockholders. If the premises be good, the result is inevitable; but if they be not well founded, the Legislature may give, or take from corporations at its pleasure—else corporations must claim a right, as well as power, superior to the energy which created them.

Of the ability of the Council to repeal the sixth section, the Committee entertain no doubt. The original contract of the Bank with its creditors, was to pay its bills in specie, and otherwise, twelve per cent interest—which, with the impending forfeiture of charter, were the securities of the creditor, and the penalties imposed for refusal. The Legislature cannot destroy or lessen this security, without the consent of the individuals. The opposite of this is to admit its power to alter any charter, upon the application of either party, without the consent of the other!

The amendatory acts have not yet received the sanction of Congress; and if the Legislature can feel any hesitancy, the following, in the original act, may suffice:—what application it may have to any other portion than that to which the present examination tends, the Committee have not thought themselves called upon to consider:

"Sec. 25. This law shall remain unalterable, without the consent of the Trustees of the Company, until the expiration of fifty years from its passage, nor shall it at any time hereafter be so altered as to prevent the execution by the Company of any subsisting contract."

Your Committee, regarding the sixth section of the act last passed, to be a violation of the fundamental principles of legislation—as an act injurious to the public credit—and which, so long as it exists, will tend to justify some law equally improper, and subversive of legislative morality, they offer the following Bill:

A BILL TO BE ENTITLED

AN ACT to repeal the Sixth Section of the act entitled, "An act further to amend the Charter of the Southern Life Insurance and Trust Company," approved February 11th, 1838, and to revise the nineteenth section of the act, entitled, "An Act to Incorporate the Southern Life Insurance and Trust Company," approved February 14th, 1835.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the sixth section of the act, entitled, "An act further to amend the charter of the Southern Life Insurance and Trust Company," approved February eleventh, in the year eighteen hundred and thirty-eight, be, and the same is hereby repealed, and declared to be, and always has been, null, void and of no effect.

Sec. 2. Be it further enacted, That the nineteenth section of the act entitled, "An act to incorporate the Southern Life Insurance and

Trust Company," approved the fourteenth day of February, in the year eighteen hundred and thirty-five, be, and the same is hereby revived, and declared never to have been repealed, and still is in full force and virtue.

BUCKINGHAM SMITH, Chairman,

Which was read and fifty copies ordered.

A Bill to be entitled **An Act to incorporate the Bank of Tallahassee** was laid on the table.

A Bill to be entitled **An Act in relation to Executions and decrees in Chancery** was laid on the table.

A Resolution concerning the Bank of Jacksonville, was laid on the table.

A Memorial to the Congress of the United States for Mail routes through the Territory of Florida, was read a second time.

Mr. Duval moved that all after the Preamble be stricken out and that the following be inserted, viz:

Resolved by the Legislative Council of the Territory of Florida, That the Congress of the United States be requested to establish a post road from Suwannee Springs via St. Marys to Charleston, S. C. (the latter part of the route by steamboat.) Also a post road for steamboats from St. Joseph via Pensacola to New Orleans. Also, a post road by steamboat from Apalachicola to Port Leon, and thence via Tampa and Key West to Havana.

And whereas, the temporary opening, by Messrs. Hopkins & Stockton, in 1839-40, of a route from Charleston to Mobile, on and near those above specified, proved conclusively that a mail can be transported from Charleston to Tallahassee in fifty-four hours, and from Tallahassee to New Orleans in fifty hours—or the whole distance from Charleston to New Orleans in four days and eight hours; which is one day less time than at all seasons of the year, and two days less in winter, than is required by the great mail route: And whereas, the mildness of the climate, the unexposed nature of the steamboat navigation, and facility of maintaining excellent roads through this Territory, render certainty and regularity entirely to be relied on;

Therefore Resolved, That our Delegate in Congress be requested to urge before Congress the establishment of such routes; and on the Post Master General the uniting them with existing routes, in such manner as to accomplish an object so important to the country, as thus increasing the regularity and expedition of one of its most important mails.

Which amendment was adopted, said Memorial read a second and third time and was adopted.

A Bill to be entitled **An Act to incorporate the city of Port Leon** was amended in the House, read a second and third time and passed.

Ordered that the title be as stated.

The House went into committee of the whole on a bill to be

entitled An Act to regulate the qualification of members of the Legislative Council. Mr. Bannerman in the chair—after some time spent in consideration of said bill, the Committee rose and reported the same to the House with all after the enacting clause stricken out. Upon the question of concurring in the report, the ayes and nays were called for by Messrs. Duval and Bannerman, and were,

Ayes.—Mr. Speaker, Messrs. Bell, Bush, Branch, Church, Elzuardi, Evans, Priest, Smith, Steele and Thigpin—11.

Nays.—Messrs. Bannerman, Brown, Cone, Duval, McKinnon, Moseley, Nunes, Pent, Sadbury, and Stephens—10.

So the report was agreed to, and said bill laid on the table.

A bill to be entitled, an act to incorporate the Tampa Bay and St. John's Rail Road, Canal, and Steamboat Company; was placed amongst the orders of the day for to-morrow.

A Resolution, introduced on a former day by Mr. Moseley respecting the right of petition, was taken up. Mr. Stephens offered an amendment, so as to make it read: "Ought not to be rejected, without being first considered by the House, or referred to a Committee.

Which was agreed to;

The Resolution was then unanimously adopted.

The Resolution from the Senate, with respect to the compilation of the Laws of Florida by James D. Westcott and John P. Booth were adopted by the House. Messrs. Branch, Stephens and Smith, were appointed the committee to act with the committee of the Senate.

The Presentments of the Grand Jury of Duval county were laid on the table.

The House then adjourned until to-morrow morning 10 o'clock.

TUESDAY, February 16, 1841.

The House met, pursuant to adjournment. A quorum being present, the Journal of yesterdays proceedings was read.

Mr. Thigpin, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act for the support and maintenance of bastard children, and for other purposes;

Which was read and ordered for a second reading on to-morrow.

Mr. Moseley from the committee on the judiciary, to which was referred a resolution of the House, instructing them to inquire into the expediency of amending an act concerning the appointment and jurisdiction of justices of the peace, reported the following bill:

A bill to be entitled, an act to amend an act entitled, an act concerning the appointment and jurisdiction of justices of the peace;

Which was read and ordered for a second reading on to-morrow.

Mr Fernandez from the select committee to which was referred the report of the commissioner of the Tallahassee fund made the following report :

A majority of the select committee to whom was referred the report of the "Commissioner of the Tallahassee Fund," beg leave to

REPORT :

That they have examined the accounts and vouchers referred to them, which they have found correct. That as far as they have been able to ascertain, the fund has been economically and judiciously managed, and the duties of the office faithfully discharged. It is very much to be desired that the further sum required by the commissioner for the completion of the Capitol may be appropriated.

The Committee beg leave to be discharged from the further consideration of the same.

S. D. FERNANDEZ, Chm'n.

THOS. M. BUSH,

JOHN L. TAYLOR,

JOSEPH ELZUARDI.

Which was received and concurred in.

Mr. Bush from the committee on enrolled bills, reported as correctly enrolled, an act to incorporate the New Orleans, Florida and Atlantic Transportation Company in Florida, and for other purposes.

A bill to be entitled, an act to incorporate the Bank of Tallahassee, was taken from the table;

Mr. Moseley offered the following amendment to the 13th section :

Upon the holder of any bill or bills, or other liabilities of the said bank, protested in due form of law, presenting the same to any Judge of the Superior Court of Law of the Middle District of Florida, the said Judge, at the instance of the person complaining, shall issue and cause to be served, by the Marshall or Sheriff, a notice, in writing, upon the President, or any of the Directors of the said Bank, commanding the said President and Directors to be and appear before him within ten days, to show cause, if any they have, why the charter of the said Bank shall not be declared forfeited. And if upon the hearing, the said President and Directors should fail to show cause to the satisfaction of the said Judge, he shall proceed to declare, decree and adjudge, the charter of the said Bank to be null and void. And upon such judgment or decree, the said Judge shall appoint three Receivers to receive and take into their hands and possession all the assets and property of the said Bank; and shall, within two years, settle, liquidate and wind up all the business and affairs of the bank intrusted to them. And that the said Receivers shall give bond, payable to the Governor for the time being, and his successors in office, with security to the satisfaction of the said Judge, for the faithful performance of their duty. And the said Receivers may bring, in the name of the said President and Directors, all suits which may become necessary in the settlement of the trusts confided to them under this act. Pro.

sided, however, that nothing in this section shall exempt said corporation, its property or assets, or the individual stockholders, from any remedy which might have been had against them, or any of them, previous to said forfeiture.

Which amendment was ordered to be printed and said bill laid on the table.

A bill to be entitled, an act to incorporate the Tampa Bay and St. Johns Rail Road. Canal and Steam Boat Company, was amended in the House. Upon the following amendment offered by Mr. Branch, the ayes and nays were called by Messrs. Branch, and Duval, to add to the 17th section, "and that unless this road be commenced and carried on bona fide, within twelve months, and completed within five years this act of incorporation shall be null and void and of no effect."

Ayes.—Messrs. Bannerman, Bryan, Bush, Branch, Church, Cour, Fernandez, Sadbury, Stephens and Williams—10.

Nays.—Messrs. Bell, Bird Brown, Duval, Elzuardi, Evans, Fontane, McKinnon, Moseley, Myers, Nunes, Pent, Priest, Smith, Steele, Taylor and Thigpin—17.

So said amendment was lost.

The bill then passed its second reading.

Mr. Bannerman then moved its indefinite postponement.

The ayes and nays were called for on this question by Messrs. Bannerman and Branch, and were,

Ayes.—Messrs. Bannerman, Bird, Bush, Branch, Cone, Fernandez, Pent, Sadbury, Stephens, Thigpin and Williams—11.

Nays.—Messrs. Bell, Brown, Bryan, Church, Duval, Elzuardi, Evans, Fontane, McKinnon, Moseley, Myers, Nunes, Priest, Steele, and Taylor—15.

So said motion was lost.

The bill was ordered for a third reading on to-morrow.

A motion to appoint a committee to draft a law respecting Indian depredations, was laid on the table.

A resolution respecting the commissioner of the Tallahassee fund was laid on the table.

A bill to be entitled, an act to amend an act entitled, an act to amend an act, regulating the mode of proceeding on attachments, approved Feb. 15, 1834; was referred to the Committee on the Judiciary.

A bill to be entitled, an act to authorise Jesse H. Willis, to emancipate a female slave named Eliza, was laid on the table.

A bill to be entitled, an act to suppress shiuplasters, was postponed until to-morrow.

The House received from the Senate, the following resolution as adopted by that body :

FEBRUARY 16, 1841.

Resolved by the Senate and House of Representatives, That the Governor be requested, authorised and informed of the subject of letting the claims for troops, raised in East Florida, who served under Col. Robert Brown and Maj. Isaac Garrason, not to settle them in the first place, by attempting to arrange or settle the claims by the negotiation of bonds or loans, but by applying to the authorised power to

settle the claims in Washington, and, on their refusal so to do, then, in that case, the debt, so much as is legally authenticated, is by the joint resolution, acknowledged by the Territory of Florida, and the Governor is authorised to settle according to the true intent and meaning of the resolutions, which was according to the sense of this body, to have first required of the General Government to settle them.

Adopted by the Senate,

Attest:

J. S. ROBINSON,

Sec'y. Senate.

Which was read and referred to a select committee, consisting of Messrs. Brown, Cone, and Thigpin, with instructions to confer with a committee of the Senate on said resolution.

Mr. Brown presented the petition of George Fisher, praying that a judgment in the Superior Court of Leon county, against him, upon *recognisance* be remitted;

Which was referred to the Committee on the Judiciary.

The Committee on the Judiciary to which was referred the petition of John Wooten, made the following report :

The Committee on the Judiciary, to which was referred the petition of eighty of the most respectable and orderly citizens of Gadsden County, praying the remission of a part of the sentence imposed by the Judge of the Superior Court of the Middle District, for said County, on John Wooten, an old and highly respectable citizen of that County, have had the same under consideration, and after diligent inquiry, have ascertained the following facts:—

That the said Wooten rented a tenement or room, to a certain tenant, some distance from the place of his own residence, which room was used by the said tenant for the purposes of gambling: That the said Wooten was indicted by the grand jury of the said county, for permitting gambling to be carried on in a house which he had rented; That on the trial of the said indictment, he admitted the fact of the gambling having been practised in the room, and made no defence, believing that he possessed no power to expel the tenant before the expiration of the time for which the room was rented, and consequently could not be liable to punishment, for a breach of the laws, in a case in which he was in no wise willingly accessory. But having plead guilty to the indictment, the Judge could only administer the law; and the sentence, accordingly, was fine and imprisonment.

His fellow citizens and neighbors, who best know his character, now appeal to the Legislative Council to remit this sentence, which bears no proportion to the offence, if indeed there could be an offence, in a moral sense, in the absence of all evil intention; for it is represented that, when he had gotten clear of that tenant, he firmly refused to rent the room, for like purposes, although repeatedly urged to do so, both before and after the indictment.

Your committee cannot believe, that it is either wisdom or sound policy, to say nothing of justice, to inflict an ignominious punishment upon an honest, upright man, who may, through ignorance or inadvertence, have subjected himself to the operation of the law; thereby

weakening the very intention of punishment, by affixing a like disgrace on the virtuous as well as the vicious.

Your committee, therefore, viewing the peculiar hardship of this case, and believing that it is in the power of this Legislative Council to interpose its clemency for the relief of the innocent, who may be, come obnoxious to the operation of the law, recommend the remission of the whole sentence— as well of the fine as the imprisonment—and to that end recommend the adoption of the subjoined Resolution.

All of which is respectfully submitted.

THOMAS BROWN,

From the Committee on the Judiciary.

A RESOLUTION

For the Relief of John Wooten, of Gadsden County.

Be it Resolved by the Legislative Council of the Territory of Florida, That the fine and imprisonment assessed by the Judge of the Superior Court of the Middle District, for the County of Gadsden, at the term of the said Court for the year , against John Wooten, for an alledged offence against the statute to suppress gambling, be, and the same is hereby remitted.

Which was read and placed among the orders of the day for a second reading on to-morrow.

The House went into committee of the whole on a bill to be entitled, an act to prevent breaches of the peace, and more effectually to preserve order. Mr. Nunes in the chair—after some time spent in consideration of said bill, the committee rose and reported the same to the House with all the enacting clause stricken out. Upon concurring in said report, the ayes and nays were called by Messrs. Branch and Duval, and were,

Ayes.—Mr. Speaker, Messrs. Brown, Bryan, Bush, Church, Cone, Duval, Elzuardi, Evans, Fernandez, McKinnon, Myers, Pent, Priest, Sadbury, Stephens, and Steele—17.

Nays.—Messrs. Bannerman, Branch, Moseley, Nunes, Smith, Taylor and Thigpin—7.

So said report was concurred in.

The bill was then indefinitely postponed.

A bill to be entitled, an act to repeal an act entitled, an act to amend an act concerning Dower, was indefinitely postponed.

A bill to be entitled, an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color; was taken upon its second reading;

Mr. Moseley moved that said bill be postponed indefinitely.

The ayes and nays were called for on this question by Messrs. Duval and Bannerman, and were,

Ayes.—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Branch, Church, Cone, Fernandez, McKinnon, Moseley, Pent, Priest, Sadbury, Smith, Stephens, Taylor, Thigpin and Williams—19.

Nays.—Messrs. Duval, Elzuardi, Evans, Nunes, and Steele—5.

So said motion prevailed.

The House then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, February 17th, 1841.

The House met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Duval moved that a Resolution respecting the Commissioner of the Tallahassee Fund, be placed among the orders of the day

Upon this question the ayes and nays were called by Messrs. Duval, and Bannerman, and were,

Ayes.—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Brown, Bryau, Bush, Branch, Church, Cone, Duval, Elzuardi, Evans, Fontane, McKinnon, Moseley, Myers, Nunes, Pent, Priest, Sadbury, Stephens, Steele, and Thigpin—24.

Nays.—Messrs. Fernandez, Smith, Taylor, and Williams—4.
So said motion prevailed.

Mr. Duval presented the memorial of L. F. Mosher, praying that certain claims, for services rendered as Quartermaster, be allowed him ;

Which was read and referred, with accompanying documents, to the Committee on Claims.

Mr. Stephens, offered the following resolution :

Be it resolved by the Senate and House of Representatives, That this Legislative Council do adjourn, *sine-die*, on the fourth of March next ;

Which was adopted.

Mr. Duval, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act relating to the manner of bringing suits in the courts of this Territory, and for other purposes ;

Which was read and referred to the Committee on the Judiciary.

Mr. Priest, from the Committee on Claims, to which was referred the petition of S. J. Perry, made the following report :

The Committee on Claims, to whom was referred the petition of Capt. S. J. Perry, have had the same under consideration, and beg leave to

REPORT

The following Resolutions :

Be it Resolved by the Governor and Legislative Council, That Capt. S. J. Perry, late Assistant Quarter Master Florida Militia, in issuing rations to Mrs. Flyms and family, acted the part of humanity, and in conformity with the true intent and meaning of the act of Congress, granting relief to sufferers similarly situated.

Resolved further, That in case the General Government refuses to

settle and allow the same, the Quarter Master of the Territory of Florida be requested to allow the same to Capt. S. J. Perry.

GABRIEL PRIEST, Chairman.

Which was read and concurred in.

Mr. Bush from the Committee on Enrolled Bills, reported, as correctly enrolled, a preamble and resolution in favour of James W. Exum, late Marshal in West Florida.

Mr. Brown from the Committee on Banks, made the following report :

The Committee on Banks, to which was referred a bill, to be entitled an act amendatory to the several acts incorporating the Central Bank of Florida, have considered the same, and find that, the amendment proposed, contemplates only authority to change the locality of the Bank, which requires at the hands of the Committee no alteration. They therefore beg leave to

REPORT

The bill back to the House without amendments.

Which is respectfully submitted.

THOMAS BROWN, Chairman.

Which report was concurred in.

Mr. Moseley, from the Committee on the Judiciary, made the following report :

The Committee on the Judiciary, to whom was referred a bill, to be entitled, an act to amend an act regulating the mode of proceedings on attachments, approved Feb. 15, 1834, have instructed me to

REPORT

The same back to the House, with all but the enacting clause stricken out, and the following proposed as a substitute.

All of which is respectfully submitted.

W. D. MOSELEY, Chairman.

Which report was received, and said bill placed among the orders of the day for to-morrow.

The House received from the Senate a message, informing this House that they have adopted the resolution of this House, respecting the final adjournment of the Legislative Council.

Also the following :

SENATE,

February 17th, 1841.

The Senate have appointed Messrs. English, Livingston and McLean, a committee on the part of the Senate, to meet a committee of the House of Representatives, on the subject of the payment of the troops commanded by Col. Robert Brown and Major Isaac Garrason.

Test,

J. S. ROBINSON, Secretary Senate.

The House went into committee of the whole on a bill to be entitled, an act to secure to the people of this Territory, a sound

currency. Mr. Steele in the chair—after some time spent in consideration thereof, the committee rose, and by their chairman, reported said bill to the House with sundry amendments ; Which report was received.

Mr. Duval moved that said bill be laid on the table ;

On this question the ayes and nays were called for by Messrs. Branch and Smith, and were,

Ayes.—Messrs. Brown, Duval, and Evans—3.

Nays.—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Bryan Bush, Branch, Church, Cone, Elzuardi, Fernandez, Fontane, McKinnon, Moseley, Myers, Pent, Priest, Sadbury, Smith, Stephens, Taylor, Thigpin and Williams—23.

So said motion was lost.

The bill was then put upon its second reading.

Mr. Brown moved that the reading of the bill be suspended, and that the bill be laid on the table.

On this question the ayes and nays were called for by Messrs. Brown and Duval, and were,

Ayes.—Messrs. Bannerman, Brown, Bush, Church, Duval, Evans, McKinnon, Myers, Sadbury and Stephens—10.

Nays.—Mr. Speaker, Messrs. Bell, Bird, Bryan, Branch, Cone, Elzuardi, Fernandez, Fontane, Moseley, Nunes, Pent, Priest, Smith, Steele, Taylor, Thigpin and Williams—18.

So said motion was lost.

The reading was then proceeded with.

Mr. Brown moved to amend the bill by striking from the preamble, after the word "Territory," the word "in violation of the spirit and letter of their acts of incorporation," beginning in the first line because it declares, what is not true.

The ayes and nays were called for by Messrs. Brown and Duval, and were,

Ayes.—Messrs. Bell Brown, Bryan, Church, Duval, Evans, McKinnon, Moseley, Myers, Sadbury and Stephens—11.

Nays.—Mr. Speaker, Messrs. Bannerman, Bird, Bush, Branch, Cone, Elzuardi, Fernandez, Fontane, Nunes, Pent, Priest, Smith, Steele, Taylor, Thigpin and Williams—17.

So said motion was lost.

Mr. Brown then moved that the words "and letter" after the word "spirit," in the preamble, be stricken out.

The ayes and nays were called on this question by Messrs. Brown and Branch, and were,

Ayes.—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Bush, Church, Cone, Duval, Evans, McKinnon, Moseley, Myers, Pent, Sadbury, Stephens and Steele—18.

Nays.—Messrs. Bird, Elzuardi, Fernandez, Fontane, Nunes, Priest, Smith, Taylor, Thigpin and Williams—10.

So said motion prevailed.

Upon the adoption of the preamble of said bill as amended, the ayes and nays were called by Messrs. Brown and Duval, and were,

Ayes.—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Bryan, Bush, Branch, Church, Cone, Elzuardi, Evans, Fernandez, Fontane, Moseley, Myers, Nunes, Pent, Priest, Sadbury, Smith, Stephens, Steele, Taylor, Thigpin and Williams—25.

Nays.—Messrs. Brown, Duval, and McKinnon—3.

So the preamble was adopted.

Mr. Brown moved that the first section of the said bill be stricken out.

Upon this question the ayes and nays were called by Messrs. Brown and Duval, and were,

Ayes.—Messrs. Bannerman, Brown, Bryan, Bush, Church, Duval, McKinnon, Sadbury and Stephens—9.

Nays.—Messrs. Bell, Bird, Branch, Cone, Elzuardi, Evans, Fernandez, Fontane, Moseley, Myers, Nunes, Pent, Priest, Smith, Taylor, Thigpin and Williams—17.

So said motion was lost.

Mr. Brown also moved that the fourth section of said bill be amended by striking out the words "at the first term of the court after the service of the writ," in the 6th and 7th line of said section.

The ayes and nays were called on this question by Messrs. Brown and Thigpin, and were,

Ayes.—Messrs. Brown, Duval and McKinnon—3.

Nays.—Messrs. Bannerman, Bell, Bird, Bryan, Bush, Branch, Church, Cone, Elzuardi, Evans, Fernandez, Fontane, Moseley, Myers, Nunes, Pent, Priest, Sadbury, Smith, Stephens, Steele, Taylor, Thigpin and Williams—24.

To said motion was lost.

Upon the question of the passage of the bill upon its second reading, the ayes and nays were called by Messrs. Branch and Elzuardi, and were,

Ayes.—Messrs. Bannerman, Bell, Bird, Bryan, Bush, Branch, Church, Cone, Elzuardi, Evans, Fernandez, Fontane, Moseley, Myers, Nunes, Pent, Priest, Smith, Steele, Taylor, Thigpin and Williams—22.

Nays.—Messrs. Brown, Duval, McKinnon, Sadbury, and Stephens—5.

So the bill passed its second reading.

Mr. Duval moved that the House do now adjourn until to-morrow, ten o'clock.

The ayes and nays were called for on this question by Messrs. Smith and Thigpin, and were;—

Ayes.—Messrs. Bannerman, Brown, Duval, Evans, McKinnon, Myers, Pent and Stephens—8.

Nays—Messrs. Bell, Bird, Bryan, Bush, Branch, Church, Elzuardi, Fernandez, Fontane, Mosely, Nunes, Priest, Sadbury, Smith, Steele, Taylor, Thigpin and Williams—18.

So the motion was lost.

Mr. Smith moved that said bill be placed first among the orders of the day for to-morrow ;

On this motion the ayes and nays were called for by Messrs. Elzuardi and Duval, and were :

Ayes—Messrs. Bell, Bird, Bush, Branch, Church, Cone, Elzuardi, Fernandez, Fontane, McKinnon, Mosely, Myers, Nunes, Pent, Priest, Smith, Taylor, Thigpin, and Williams—19.

Nays—Messrs. Bannerman, Brown, Bryan, Duval, Evans, Sadbury and Steele—7.

So said motion prevailed.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY February 18th, 1841.

The House met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Myers, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to amend an act entitled, an act to incorporate the City of Apalachicola ;

Which was read a first, second and third time and passed.

Title as aforesaid.

Mr. Smith introduced a bill to be entitled, an act to require specie payments, and to provide remedies for the violation of charters and contracts by the banks of Florida ;

Which was read and laid on the table.

Mr. Moseley from the Committee on the Judiciary, made the following

REPORT :

The Committee on the Judiciary, to whom was referred a bill entitled, "a bill relating to the manner of bringing suits in the courts of this Territory, and for other purposes," have instructed me to report the bill to the House, with the following amendment, strike out all of the bill after the enacting clause, and insert the following as a substitute.

All of which is respectfully submitted.

W. D. MOSELEY, *Chairman.*

Which was read and received, and said bill ordered for a second reading on to-morrow.

A bill to be entitled, an act to secure to the people of this Territory a sound currency; was read a third time.

Mr. Thigpin offered the following amendment thereto:

That the words "4th day of May," in the 4th line of the first section be stricken out, and the words, "1st day of March" inserted.

The House resolved into a committee of the whole upon a bill to be entitled, an act to secure to the people of this Territory a sound currency, and a bill to be entitled, an act to require specie payments, and to provide remedies for the violation of charters and contracts by the banks of Florida. Mr. Steele in the chair—after some time spent in consideration thereof, the committee rose and reported both bills back to the House, and also that they had made progress, and asked leave to sit again;

Which report was received and concurred in.

Mr. Smith, by leave of the House, withdrew the bill introduced by him this morning.

The House went into Committee of the Whole on a bill to be entitled, an act to secure to the people of this Territory a sound currency. Mr. Steele in the chair—after some time spent in consideration thereof, the committee rose, and by their chairman, reported said bill to the House with sundry amendments;

Which report was received and concurred in.

The Speaker then declared said bill to be upon its passage.

Mr. Duval appealed from this decision, because, as he contended, all bills, when they come into the House from the committee of the whole, amended, should be upon its second reading;

The ayes and nays were called on the question of suspending the decision of the Speaker, by Messrs. Duval and Brown, and were,

Ayes.—Messrs. Bell, Bird, Bryan, Bush, Branch, Church, Cone, Elzuardi, Evans, Fernandez, Fontane, McKinnon, Moseley, Nunes, Pent, Priest, Smith, Steele, Taylor, Thigpin and Williams—21.

Nays.—Messrs. Bannerman, Brown, Duval, Myers, Sadbury, and Stephens—6.

So the decision of the chair was sustained.

Mr. Brown moved to strike out in the 4th section, the words, "with interest at the rate of twenty-five per cent per annum, on said judgment from rendition thereof," and insert "with legal interest, &c."

Upon this question the ayes and nays were called by Messrs. Brown and Thigpin, and were.

Ayes.—Messrs. Bannerman, Bell, Brown, Bush, Church, Duval, Evans, McKinnon, Myers, Sadbury and Stephens—11.

Nays.—Mr. Speaker, Messrs. Bird, Bryan, Branch, Cone, Elzuardi, Fernandez, Fontane, Moseley, Nunes, Pent, Priest, Smith, Steele, Taylor, Thigpin and Williams—17.

So said motion was lost.

The bill was then put upon its passage ;

The ayes and nays were called on this question by Messrs. Duval and Elzuardi, and were :

Ayes.—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Bryan, Bush, Branch, Church, Cone, Elzuardi, Evans, Fernandez, Fontane, Mosely, Myers, Nunes, Pent, Priest, Sadbury, Smith, Stephens, Steele, Taylor, Thigpin and Williams—25.

Nays.—Messrs. Brown, Duval and McKinnon—3.

So said bill passed.

Mr. Brown then moved to amend the title of the bill, by striking out all after the words "an act," and inserting "to restrain the banks of this Territory in their legitimate privileges, as provided in their Charters;"

Upon this question the ayes and nays were called by Messrs. Elzuardi and Brown, and were.

Ayes. Messrs. Brown, Duval, Fernandez, McKinnon and Sadbury. 5.

Nays. Mr Speaker, Messrs. Bannerman, Bell, Bryan, Bush, Branch, Church, Cone, Elzuardi, Evans, Fontane, Mosely, Nunes, Pent, Priest, Smith, Stephens, Steele, Taylor, Thigpin and Williams. 22.

So said motion was lost.

Mr Bannerman then moved that this House do now adjourn until to-morrow morning, ten o'clock.

The ayes and nays were called on this question by Messrs. Smith and Evans, and were :

Ayes. Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Branch, Church, Duval, Evans, McKinnon, Mosely, Myers, Sadbury and Stephens. 14.

Nays. Messrs. Bird, Bush, Cone, Elzuardi, Fernandez, Fontane, Nunes, Pent, Priest, Smith, Steele, Taylor, Thigpin and Williams. 14.

So said motion was lost.

The House then adjourned until this evening, 4 o'clock.

4 O'CLOCK, P. M.

The House met, pursuant to adjournment.

A report of the committee on the state of the Territory, respecting jails, and a penitentiary was laid on the table.

A bill to be entitled, an act to repeal the 4th section of an act

passed, January 31, 1838, entitled, an act to incorporate the City of Appalachicola, approved March 2d, 1839 ;

Was postponed until to-morrow.

A bill to be entitled, an act regulating the fees of jailors, in this Territory ;

Was read a second time, and ordered for a third reading on to morrow.

A bill to be entitled, an act to aid the administration of justice in the Southern District of Florida ;

Was postponed until to-morrow.

A bill to be entitled, an act to incorporate the Iola and St. Joseph Canal and Rail Road Company ;

Was read a third time and passed—title as aforesaid.

The resolutions respecting the payment of John F. Hagan's company of troops, &c.;

Was read a second time and ordered for a third reading on to-morrow.

Mr. Brown, from the joint select committee to which was referred the resolution of the Senate of the 16th inst. relative to the payment of the troops, formerly commanded by Col. Robert Brown and Maj. Isaac Garrason, reported the following as a substitute therefor :

WHEREAS, by a joint resolution adopted by the Legislative Council, at its present session, His Excellency the Governor of this Territory, was authorized and requested to settle the claims, for services rendered, by the troops in East Florida, under the command of Col. Robert Brown, and Major Isaac Garrason, and to apply to the proper authorities at Washington City for the payment of the said claims: Now, for the better understanding of the intention and meaning of the Legislative Council, in the adoption of the said Resolutions :

Be it further Resolved by the Senate and House of Representatives of the Territory of Florida, That it be required of the commanding officers of said regiment and battalion, to furnish regularly certified muster rolls of the services rendered, and the forage and subsistence furnished, signed by the captains of the several companies, and countersigned by an inspector and mustering officer, as is required by the rules and articles of war, for the payment of troops in the service of the United States.

Be it further Resolved, That His Excellency the Governor, (immediately after ascertaining the amount legally due said regiment and battalion,) be, and he is hereby requested, to apply at the proper Department at Washington, for the payment of the same by the United States; and in the event of a failure to obtain the payment thereof by the United States, then he is hereby requested and authorized forthwith to settle said claims, as provided for, in the act under which said troops were raised, and

the resolution passed at the present session of the Legislative Council, which these Resolutions are intended more fully to explain.

And be it further Resolved, That His Excellency the Governor, be requested to ascertain, if there were mustered into the said regiment and battalion, any companies or troops from the State of Georgia, so that in the event of the United States refusing to pay the said claim, the Territory of Florida shall not be required to pay any but her own troops: And in paying off the said troops, by the Territory of Florida, the rules and regulations established by the War Department for the paying off the troops in the service of the United States shall be observed.

Which were read.

Mr. Cone moved that the whole matter be indefinitely postponed;

The ayes and Nays were called on this question by Messrs. Brown and Priest, and were,

Ayes. Messrs. Bell, Bird, Branch, Cone, Elzuardi, Evans, Fernandez, Fontane, Nunes, Priest, Smith, Steele, Taylor, Thigpin and Williams—15.

Nays. Mr. Speaker Messrs. Bannerman, Brown, Bush, Church, Duval, McKinnon, Pent, Sadbury and Stephens—10.
So said motion prevailed.

Mr. Fernandez, moved that a bill to be entitled, an act for the support and maintenance of bastard children, and for other purposes, be indefinitely postponed.

The ayes and nays were called on this motion, by Messrs. Thigpin and Cone, and were,

Ayes. Mr. Speaker, Messrs. Bannerman, Pell, Bird, Brown, Bush, Church, Cone, Duval, Fernandez, McKinnon, Pent, Sadbury, and Stephens—14.

Nays. Messrs. Branch, Elzuardi, Evans, Fontane, Nunes, Priest, Smith, Steele, Taylor, Thigpin and Williams—11.

So said motion prevailed.

The House then adjourned until to-morrow 10 o'clock A. M.

FRIDAY, February 19th, 1841.

The House met pursuant to adjournment; and the journal of yesterday's proceedings was read.

On motion of Mr. Brown, a memorial of the Legislative Council, presented by him on a former day was taken up, read, and sundry typographical errors corrected;

The ayes and nays were then called on the adoption of the said memorial by Messrs. Smith and Bird, and were:

Ayes—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Brown, Bryan, Bush, Branch, Church, Cone, Duva., Elzuardi, McKinnon, Mosely, Nunes, Sadbury, Stephens, Taylor and Williams—20.

Nays—Messrs. Evans, Priest, Smith and Thigpin—4.

So said memorial was adopted.

Mr. Myers gave notice that he would, on some future day, ask leave to introduce a bill, to be entitled, an act to repeal the tax on billiard tables, and for other purposes.

Mr. Brown gave notice that he will, on some future day, ask leave to introduce a bill, to be entitled, an act to regulate the mode of settling all military claims that have been created, or may hereafter be created, on account of the present Seminole war, under any of the laws of this Territory, and for other purposes.

Mr. Bell gave notice that he will, on some future day, ask leave to introduce a bill to incorporate the Hamilton Academy, in Hamilton County, in this Territory.

Also, a bill to be entitled, an act to amend the Usury and Interest Law of this Territory.

Mr. Bannerman presented the petition of Miles Blake and Richard C. Parish, praying certain relief therein set forth.

Which was referred to the Committee on the Judiciary.

Mr. Brown offered the following Resolution:

Resolved by the Senate and House of Representatives of the Territory of Florida. That His Excellency the Governor be, and he is hereby requested and desired, to cause to be deposited in the Auditor's Office of this Territory, properly arranged and filed, all the vouchers upon which claims have been or may be settled by him, under Resolutions of this Legislative Council, authorising the settlement of claims for military services in the present Indian war; that the same may be preserved, to support any demand, which the Territory may make on the Federal Government for reimbursement.

Which was read, and ordered for a second reading on tomorrow.

Also the following:

Be it Resolved, That his Excellency the Governor be requested to furnish this House with a statement, showing the number of claims settled by him, under Resolutions passed by the Legislative Council, at this present session, constituting the sum of \$ for which his Excellency has notified this House, by his communication of the , that he intends forthwith to issue bonds of this Territory.

Be it further Resolved, That His Excellency inform the House if he has issued such bonds, and if he has, the number of bonds which he has issued, the amount of each bond, to whom issued, and if to any other person or persons than the original claimants, the authority or

evidence on which such person or persons claim the possession of such bonds, and any other information in his possession, relating to such claims, so that the House may be enabled to act understandingly on the subject, and see that justice be done to the officers and soldiers, who have served their country during the present Indian war.

Which was read, and ordered for a second reading on to-morrow.

Mr. Priest, from the Committee on Claims, made the following report :

The Committee on Claims, to whom was referred the petition of S. W. Brown, have had the same under consideration, and beg leave to

REPORT:

That from the evidence adduced, no doubt exists, but that the services as Lieutenant, as set forth in the petition, were rendered. They are of the opinion that the claim is meritorious. But the Committee know of no relief which can be given by this Legislature other than to recommend this claimant to the sense of justice of the General Government.

GABRIEL PRIEST, Chairman.

Which was read and concurred in.

Mr. Smith, from the Committee on the Judiciary, made the following report :

The Committee on the Judiciary have had under their consideration the Petition of George Fisher, and ask leave to

REPORT:

The Petitioner, according to the minutes of the Leon Superior Court, was indicted in 1837 for a felony, and gave bonds for his appearance. The cause was three times continued under his affidavits, until May, 1838, when the bonds became forfeited for his non-appearance. A *scire-facias* issued, and was returned in May, 1839, and an execution awarded.

The affidavit of the petitioner declares, that his non-appearance in May, 1838, arose from ill-health, and that at different times since, he has made his appearance at Court—supposing that, upon payment of the costs, the forfeiture would be set aside—and that now he has given security in the sum of \$1000, to appear at the next term, and states his willingness to pay all costs thus far, and asks that the forfeiture be remitted.

This is the amount of the evidence before the Committee ; and they are unanimously of opinion, that the case is not one of hardship, requiring Legislative interference.

BUCKINGHAM SMITH,

In behalf of the Committee.

Which was received and concurred in.

Mr. Brown, from the Committee on Banks, reported an act to re-

quire specie payments, and to provide remedies for the violation of charters and contracts by the Banks of Florida, to the House without amendment, and asked leave to be discharged from the further consideration thereof ;

Which was concurred in.

The following resolutions from the Senate were read and adopted :

Resolved by the Senate and House of Representatives, That our Delegate in Congress be requested to apply to Congress for the reappropriation of the unexpended balance of the appropriations for the civil government of Florida, for the years 1838 and 1839.

Resolved by the Legislative Council, That our Delegate in Congress be requested to apply to Congress for the reappropriation of fifteen hundred dollars, the unexpended balance of the appropriation for the compilation of the laws of Florida.

Both adopted by the Senate.

(Attest)

J. S. ROBINSON, Secretary.

Mr. Duval moved the indefinite postponement of a bill from the Senate, entitled an act to change the manner of voting ;

The ayes and nays were called for on this question by Messrs. Bannerman and Brown, and were :

Ayes. Messrs. Bannerman, Bird, Bryan, Branch, Cone, Duval, Evans, Fernandez, Fontane, Myers, Priest, Sadbury, Smith, Stephens Thigpin and Williams. 16.

Nays. Mr. Speaker, Messrs. Brown, Bush, Church, Elzuard, McKinnon, Mosely, Nunes, Pent, Steele and Taylor. 11.

So the motion prevailed.

His Excellency the Governor transmitted the following communication :

EXECUTIVE DEPARTMENT,
Tallahassee, 19th February, 1841.

To the Legislative Council of Florida :

I respectfully inform you that I have approved the following acts of the Legislative Council :

1. An act to organize the St. Augustine City Guards ;
2. An act for the relief of M. H. Martin ;
3. An act to amend an act, entitled, an act constituting a board of Wardens and Commissioners of Pilotage and Wrecks for the Port of Jacksonville, and other places therein named ;
4. An act to extend the powers of the Port Wardens for the Port of Pensacola ;
5. An act to change the time of holding the County Court of Walton County ;
6. An act to incorporate the New Orleans, Florida and Atlantic Transportation Company in Florida, and for other purposes ;
7. A preamble and resolution relative to the bridges on the mail route from Tallahassee to Pensacola ;

8. A preamble and resolution relative to the widow of the late Major Dade.

ROBERT RAYMOND REID.

Which was read.

A bill to be entitled, an act to incorporate the city of Port Leon was received from the Senate, as having received the concurrence of that body ;

Also, a bill, to be entitled, an act to incorporate the Monticello Rail Road company, as having received the concurrence of that body ;

Also, as having received their concurrence, a resolution, asking of Congress the passage of a law granting the franking privilege to the Governor of this Territory.

The Senate transmitted to this House the following communication :

Resolved, That the Senate appoint a committee of three, to consult with a committee on the part of the House, on the subject of selecting a person to revise the laws of Florida, and report on the propriety of revising the laws.

Adopted by the Senate.

(Attest)

J. S. ROBINSON, Secretary Senate.

Messrs. Brockenbrough, Dupont and Pelot, were appointed said Committee on the part of the Senate.

Feb. 18th, 1841.

Which was read, and Messrs. Brown, Branch and Stephens were appointed to confer with the Committee of the Senate ;

Also, a resolution of that body, asking an appropriation of ten thousand dollars, to build and repair the bridges over the Ocklocknee and Little Rivers ;

Which was read and adopted.

Also, a bill, to be entitled, an act to incorporate the Mechanic's Beneficial society of the city of Tallahassee ;

Which was read three times and passed.

The House went into Committee of the Whole, on a bill to be entitled, an act to aid the administration of Justice in the Southern district of Florida—Mr. Thigpin in the chair. After some time spent in consideration thereof, the committee rose, reported said bill to the House amended. Which report was received and agreed to by the House.

The House then adjourned until Monday next, 11 o'clock A. M.

MONDAY, February 22d, 1841.

The House met pursuant to adjournment.

The Speaker laid before the House the following communication, viz :

FRIDAY, Feb. 19, 1841.

**To the Honorable Speaker of the House of
Representatives of the Legislative Council of Florida.**

Sir :

As the chairman of the committee of invitation, on behalf of the Debating Society of the city of Tallahassee, I am instructed to invite the members of the House of Representatives of the Legislative Council, to unite with them and the citizens of Tallahassee, in the celebration of the 22d of February, and join in procession to the Presbyterian church, where an oration will be delivered by a member of the Society. Which duty I now take pleasure in performing through you, as the Speaker of that body,

Your Ob't Serv't,

THO. BROWN.

The House then adjourned until half past 3 o'clock, P. M.

HALF PAST 3 O'CLOCK, P. M.

The House met pursuant to adjournment ; a quorum being present, the journal of last Friday's proceedings was read.

Mr. Steele from the committee on the state of the Territory to which was referred so much of the Governor's Message as relates to the admission of this Territory into the Union, with instructions to draft a Memorial, asking immediate admission of this Territory into the Union, as one of the States of the Confederacy—made the following report ;

The Committee on the State of the Territory,

REPORT :

That they have prepared a memorial from the Council to Congress, for the recognition of Florida as a State, and the admission of said State forthwith, as a member of the national confederacy.

It will be noticed, that in the draft of that memorial now submitted to the House, the committee have referred to several reports of former committees of past sessions of the Council, and resolutions adopted by the Council, and the memorial of the Constitutional Convention, for the admission of Florida as a State, and they have annexed copies of such reports and resolutions, and sundry acts and documents thereto, for transmission to Congress. Many of these papers have not, (although laid before Congress,) been printed by their order, and it is asked in the memorial, that they be now printed, in order that the American people may pass judgment upon the application of Florida, and upon the course pursued towards her in regard to it.

The arguments sustaining our rights under the treaty of cession, to immediate admission, and shewing the wise policy, and expediency of such course being adopted by Congress, are so fully and forcibly put forth, in the reports above referred to, and especially in that of the committee of the House of Representatives, of 1840 ; and in the memorial of the committee of the Constitutional Convention, that it is deemed superfluous to repeat them on this occasion.

Upon the subject of the division of the Territory, the committee deem it unnecessary to advert to any thing but the simple and undeniable fact, that, *eleven-twelfths* of the whole people of Florida, are decidedly opposed to it. Many of those who are opposed to the organization of the State Government, and many in favor of such organization, but, nevertheless, hostile to the St. Joseph Constitution, are yet warmly and decidedly opposed to "division." There can be no objection to the incorporation of a provision by Congress, in the act of admission, giving to East and South Florida, (that is to say, all the Territory east and south of the Suwannee river, or of a line running north and south, 30 miles east of said river,) the right of separation, and to become another State, when their population amounts to *thirty thousand souls*. The Middle and West will cheerfully assent to such course. This is all that can be reasonably asked of them. The line east of the Suwannee river is suggested, because we regard a river an inconvenient and unnatural division line between States, as all the country conti-

guous to a river, is naturally tributary to it, and confusion in its trade and intercourse and business, will be caused, by its being subject to different and separate jurisdictions and laws.

For a meagre minority to persist in opposition to the repeated decisions of the majority, and obstinately persevere in the effort to thwart their wishes, and to compel them to give up their rights, displays rules of action partaking more of the spirit of fiction, than of sound republican principles.

As to the policy, in respect to *ourselves*, of establishing the State Government, and as to our ability to support it, these are questions to be decided alone by us. The people of Florida have solemnly made such decision, at least *four* several times, and it has been in favor of "a State," and "admission," by unquestionable majorities, on every occasion. The Federal Compact does not give Congress any appellate jurisdiction, or authority to decide between the contending parties in Florida, on this subject. They have no authority to intermeddle, and determine which is abstractly right. They are to be governed by the verdict of the majority here. If Congress *does notice* these questions, their legitimate powers and duties can be properly, justly, and wisely exercised and fulfilled, by granting to the new State, a donation of lands, sufficient to defray the expenses of the State Government for some years, at least till we can *begin* to hope for the end of the Indian war. This would be some remuneration for the unexampled privations, and immense losses, sustained by *all the citizens of Florida in common*, in consequence of this war. We have not only been prevented from peacefully, and profitably pursuing our usual avocations, and our lives, and those of our families, been placed in constant jeopardy, but many whose property has not been devastated, have been compelled to abandon it, and have been deprived of its use and benefit. Within cannon shot of the principal towns of East and Middle Florida, massacres have been committed, and houses plundered by the savage foe; and a visit to a neighbor, or to a church, without an armed escort, has been unsafe. The country has been put back by the war, at least ten years. For this war, we were in no wise to blame. It was not excited by us, or commenced to promote our peculiar interests. The acquirement of lands which would result from the removal of the Indians, was, and is for the benefit of *the nation at large*. It was not caused by the neglect, misjudgment, mismanagement, or want of foresight of those who have suffered most, and if it has been allowed to continue for five years past, and if it is allowed to continue five years hence, it cannot be attributed to any remissness of duty, to any want of patriotism, or to the imbecility or folly of the people of Florida, generally, and as a community.

Justice, wisdom, and true economy, would dictate such donation as is above suggested of at least *ten* townships of land, the proceeds of which would, perhaps, equal five years of the expenses of the Territorial Government, now paid out of the national purse; which boon, also, when it is considered, that no portion of the "surplus revenue," partly exacted from our pockets, has been, or will be, distributed to Florida, should be regarded but as an equal dispensation of favors to us, as to the citizens of the States. With such donation, and the provision allowing the ultimate secession of East and South Florida, it is believed all parties would be satisfied, and opposition to the organization of a State Government, and admission under the St. Joseph Constitution, forever silenced. There would then be no pretext or ground for further clamor or opposition.

The appropriation of lands heretofore uniformly granted by Congress, on the admission of a new State, in which there was much vacant public domain, to be devoted to internal improvements within such State, would more than equal all that we can have, or ever shall get, while a Territory, in aid of such objects.

The Committee have appended to the memorial, a statement, showing in parallel columns, the vote for and against "a State," in May, 1837, and for and against the Constitution in 1839. The majority of votes for State, was *one thousand and five*, in the year 1837, and that for a Constitution in 1839, was at least sixty-five, in a vote of four thousand and eighty-five, and some contend it was one hundred and thirty-five.

The chief cause of this difference was doubtless the hostility to some of the provisions of the St. Joseph Constitution, which was but imperfectly understood, owing to the short time it was published before the election. The provisions of that instrument which were thought to fatally effect the existing banks in Florida—which were supposed to operate to the annulment of the "faith bonds" and "guaranties"—those deemed by many to restrict injuriously the powers of the State Legislature in the creation of corporations, and the provision with respect to certain Spanish grants, excited violent hostility to its adoption, from many interested in banks and other corporations, and others concerned in those "grants," but who, before the session of the convention, were and yet are (with a different constitution) ardent advocates of State Government. They voted against its ratification. Combined with those favoring division, with the original opponents of State Government, and many federal office holders, they were able to aggregate a *minority*, respectable for talents, and influence, and numbers, but the several component parts of which *minority*, were, and are, as opposite and hostile to the peculiar distinctive notions of each other above alluded to, as to those of the majority opposed to all those notions in mass.

For instance: most of the advocates of *division*; and many of the opponents of State government at this crisis in any form, decidedly approve of the provisions of the constitution condemned by some of their present coadjutors (the friends of corporations,) and the former, if compelled by circumstances to acquiesce in the establishment of a State government for *all* Florida, "and admission," would prefer *that* constitution to any other, and would maintain the principles it advances.

The committee deem this a proper occasion to submit a few remarks with respect to some of the provisions objected to. Except with reference to the first objection hereinafter referred to, these remarks are not intended for Congress. Congress has no jurisdiction to alter or amend our Constitution. We do not require any approbation of its provisions from them. It has been formed by the People of Florida, for their own self government. The dictation of alterations by extraneous and foreign authority, whether emanating from any department of the Federal Government, or any of the State Governments, or other source, is not for a moment to be tolerated.

It is true, by the fourth section of the fourth article of the Federal Constitution, it is provided that : "*The United States shall guarantee to every State in this Union a Republican form of government.*" This provision is the only warrant for any *scrutiny* by Congress, (on the application for admission,) of the Constitution we have adopted. In the exercise of their powers, they must be confined to the limit prescribed by the provision delegating them. If the form of government adopted by us is "republican," and not inconsistent with the Constitution of the United States, congress cannot rightfully object to any of the stipulations contained in it. That constitution is the compact of the people of Florida, made *by* themselves, and *for* themselves, and for the regulation of their conduct towards each other. As well might Congress prescribe alterations in the fundamental laws of the old States, under the pretext that they are not "republican," and expel such State from the Union, for disobedience of a congressional mandate, designed for such purpose, as to refuse Florida admission on such grounds. We are aware that there are those who, abandoning the principles on which the federal compact is founded, who, looking to the supremacy of the Federal Government, and the centralization of all power in it as wise policy, who, holding the States but as petty corporations, would melt down their sovereignty and powers in the national crucible, and remould the mass into a consolidated republic. Such doctrines, if established, might sustain the power of Congress to reject our constitution, and refuse us admission, because its provisions may not please the fancy of a member from an Eastern, Western or

Middle State, or square with the notions of the abolitionist or fanatic, but we contend they are not founded on the true principles of the federal compact. Congress may, if they choose, express their dissent from such parts of the Constitution of Florida, if any, which they may deem repugnant to, or inconsistent with, the principles of the Federal Constitution, but the declaration of such dissent, in the act of admission, would not establish even *prima facie*, the invalidity of the provision dissented from—much less annul it; and such declaration would be gratuitous, and premature. Whether a provision is, or is not valid, can only be properly determined when a case arises under it, demanding a decision. If such a case should, legitimately arise—if it should be one, of which Congress, by the Federal Constitution, are made the exclusive judges, the decision of that Congress, before whom it may arise, doubtless would be conclusive as to that case, and to the effect, so far as regarded such case, of compelling a State to acquiesce; or if she resolved otherwise, to throw herself on her attributes of sovereignty. The right of a State, in all cases to be the ultimate judge, is undoubted. It is a right that cannot be extinguished beyond the power of reassumption. Even express constitutional stipulations, must, in case of extreme necessity, yield to this right—indestructible and inalienable as a last resort. In a case of imputed inconsistency in the Constitution of a State, to that of the United States, the decision of which is not left exclusively to Congress, the integral parts of the entire government must all unite in the decision adverse to the State to constitute any moral right to over rule her action, agreeably to her judgment; and the invalidity of her claim, should always be free from doubt to justify a decision against her.

The 8th section of the 8th article of the constitution of Florida has been objected to. It declares that,

“No Governor, Justice of the Supreme Court, Chancellor, or Judge of this State, shall be eligible to election or appointment to any other, or different station, or office, or post of honor, or emolument under this State, or the station of Senator, or Representative in the Congress of the United States from this State, until one year after he shall have ceased to be such Governor, Justice, Chancellor, or Judge.”

It is said, the people of Florida have, in this, invaded the rights of Congress, and violated those provisions of the Federal Constitution, providing that a Senator in Congress shall be 30, and a Representative 25 years of age; that a Senator shall have been 9 years, and a Representative 7 years a citizen of the U. States, and that a Senator or Representative, when elected, shall be an inhabitant of that State for which he shall have been chosen, [Article 1, Section 2 and 3] and also that the provision which says, “each house shall be the judge of the election returns,

and qualifications of its members," [Art. 1, Sec. 5.] is thereby violated.

It is said that a State cannot rightfully superadd to the qualifications for Members of Congress, thereby prescribed, others prescribed by its own Constitution or laws—that "the Constitution of the United States has made a provision on that subject, and State Constitutions are inoperative to extend or removed the restrictions contained in that instrument."

These arguments are emanations from that class of political constructionists above alluded to, who would fain centralize and consolidate all power and authority at Washington. They are not based on the true principles of the federative compact, as expounded by the illustrious Jefferson, and those who sustained him in the defence and maintainance of the right of the States. The following extract from the life of Mr. Jefferson, by George Tucker, published in 1837, exhibits his opinion on this question.

Mr. Joseph C. Cabell, then a member of the Legislature of Virginia, wrote to Mr. Jefferson in January, 1814, to consult him on the question, whether it was competent for a State to add any qualification to those which the Constitution of the United States had prescribed for members of Congress. The question was agitated at that time, in consequence of rumors that one of the Districts beyond the Blue Ridge, which was in opposition to the administration, would elect Mr. Randolph, if he should lose his election in his own District. As the election of a non-resident would have been against the general policy of the State in elections, and Mr. Randolph, it was known, would have been a bitter and troublesome opponent to the majority, some persons were inclined to declare non-residence in the District a disqualification; and hence, probably, arose, Mr. Cabell's inquiry.

Mr. Jefferson in his answer states, that according to his *first impressions*, the States were precluded from adding any disqualification to those contained in the Constitution, but he afterwards inclines to think they could, and he thus reasons the subject. "*Had the Constitution been silent, no body can doubt but that the right to prescribe all the qualifications and disqualifications of those they would send to represent them, would have belonged to the State. So also the Constitution might have prescribed the whole, and have excluded all others. It seems to have preferred the middle way. It has exercised the power in part, by declaring some disqualifications—to wit: those of not being twenty-five years of age—of not having been a citizen seven years—and of not being an inhabitant of the State at the time of election. But it does not declare itself that the member shall not be a lunatic, a pauper, a convict of treason, of murder, of felony, or other infamous crime or a non-resident of his district, nor does it prohibit to the State the power of declaring these, or any other disqualifications, which its particular circumstances may call for: and these may be different in different States. Of course, then, by the tenth amendment, the power is reserved to the State. If wherever the Constitution assumes a single power out of many which belong to the same subject, we should consider it as assuming the whole, it would vest the general government with a mass of powers never contemplated. On the contrary, the assumption of particular powers, seems an exclusion of all not assumed.*"—[See volume 2, pages 349—50.

So far as we can discover, with the limited means of reference at hand here, as yet the question as to the power of a State Legislature to prescribe additional qualifications for members of Congress, to those prescribed by the Federal Constitution, has not been decided by either House of Congress. Several of the States have enacted such laws, and rigidly adhere to them. The 1st clause of sec. 4, art. 1st, of the Federal Constitution, provides that: "The times, places and

manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof: but the Congress may, at any time, by law, make or alter such regulations, except as to the place of choosing Senators." Several cases have arisen before the House of Representatives of the United States, involving the question, what *non-compliance* with the requirements of a State law, in regard to the mode of conducting elections for members of the House, would invalidate an election, but the decisions in such cases in no wise affect the question now under consideration. The only cases in which the power of a State Legislature to prescribe additional qualifications, came under consideration before the House, are those of *Barney vs. McGreery*, and of *P. B. Key*, both in 1807. In those cases, the House sedulously avoided making any decision upon the constitutional point, and in fact expressly refused to decide it, and the cases were settled upon other grounds; and in both instances, it seems, a majority of the House did not agree in opinion that *the facts* warranted the discussion, or decision of the constitutional question.

If, however, the cases referred to, as having occurred in Congress, had been expressly decided adversely to the right of a *State Legislature* to superadd qualifications, the committee submit, such decision would not have been conclusive against the provision in the Constitution of Florida, objected to, inasmuch as there is a wide difference between the super-addition of qualifications by a mere ordinary enactment of a State Legislature, and by a constitutional provision so ordered and established by the People, acting in their sovereign capacity, in a primary assembly or convention.

Judge Story, in his commentaries on the constitution of the United States, while combating the right of a State Legislature to prescribe such qualifications, acknowledges this distinction. Such admission from so distinguished a champion of the concentration of power in the Federal Government is entitled to consideration. He says:

"If the State, in its political capacity had it, it would not follow that the Legislature possessed it. That must depend upon the power confided to the State Legislature by its own Constitution. A State, and the Legislature of a State, are quite different political beings. Now, it would be very desirable to know, in which part of any State Constitution this authority, exclusively of a national character, is found delegated to any State Legislature."

There are many acts which a State Legislature cannot rightfully do, but which cannot be questioned when done by a Convention of the People. Thus convened, the People exercise their paramount sovereignty—their power is unfettered to do any act, which, in their wisdom, they may deem meet. A State Legislature cannot enact a law inconsistent with the Federal Constitution, or that of its State. A Convention of the people, may disown allegiance to the former, and alter or change the latter as it may deem expedient and just. A Legislature is but a *Department* of a State, while a convention is the sovereign people of that State—is *the State itself*.

We cannot express ourselves better on this subject, than to adopt the language of Justice Patterson, formerly of the United States Supreme Court. It is as follows:

"What is a Constitution? It is the form of government delineated by the

ghty hand of the People, in which certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the permanent will of the People, and is the supreme law of the land. It is paramount to the power of the Legislature, and can be revoked or altered, only by the authority that made it. The life-giving principle and the death-dealing stroke must proceed from the same hand. What are Legislatures? Creatures of the Constitution; they owe their existence to the Constitution; they derive their power from the Constitution. It is in their commission, and therefore, all their acts must be conformable to it, or else they will be void. The Constitution is the work, or will, of the People themselves, in their original sovereign and unlimited capacity. Law is the work or will of the Legislature in their derivative and subordinate capacity. The one is the work of the Creator, and the other of the Creature. The Constitution fixes limits to the exercise of Legislative authority, and prescribes the orbit within which it must move. In short, the Constitution is the sun of the political system, around which all Legislative, Executive and Judicial bodies must revolve."

Considerations of convenience and policy, might well influence to prohibit the superaddition by a State *law* of qualifications for members of Congress, to those specified in the federal Constitution, which would not apply to the prescribing of such cumulative qualifications by the people, in establishing their fundamental articles of State Government, as they deem necessary for their well being and safety. Ordinary legislation, unrestrained by constitutional regulation—dependant on the vacillating fortunes of political parties, is continually changing—sometimes founded on one principle—sometimes on another, and often on none.

The rules of eligibility to such offices, should be steady and permanent, not subject to alteration, to subserve the interests, or promote the designs of selfish factions which might be in the ascendant. Hence they are usually and properly prescribed in the fundamental law.

It seems obvious to the committee that as the federal constitution was originally framed, without calling in aid the 10th article of the amendments, which provides that, "*the powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;*" the right of a State to superadd qualifications to those made necessary in the federal compact, for Members of Congress, was undoubted.

If that amendment is given any meaning, and if the ninth article of the amendments, declaring that "the enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people," is given effect, the authority to prescribe additional qualifications in the State Constitution, it seems to us cannot be questioned with semblance of plausibility. Those who contend, the reservation to the "*States respectively,*" in the 10th amendment means the State Governments respectively, admit the power, both of the Convention and of the State Legislature. The latter cannot have any power which the former do not possess. The position that the reservation "to the people," means "the people of the Union," COLLECTIVELY, is in our judgment unsound. The people of the different States having no political connexion with each other, except that which springs from the federal compact, they cannot act or be known, collectively, except as stipulated in it. Rights as stipulated in the 9th amendment, may be properly said to be "re-

ained" by them ; but the reservation of "*powers*" to them *collectively*, involves an absurdity. The assertion that "the States can exercise no powers whatever, which exclusively spring out of the existence of the national Government which the Constitution does not delegate to them," is a *petitio principii*. Some of those who contend for such doctrine, have conceded that "the Government of the United States, is one of limited powers, leaving all residuary general powers in the State Governments, or in the people thereof,"—a truism inconsistent with the assertion above mentioned. An admission in the opinion of Chief Justice Marshall, in the case of *Martin vs. Hunter*, (1st Wheatons Reports, 304) confirms the view taken by the committee of these amendments. He contends, "the Constitution was not necessarily carved out of existing State sovereignties, nor a surrender of powers already existing in State institutions, for the powers of the States, depend upon their own constitutions, and, the people of every State had the right to modify and restrain them, according to their own views of policy or principle." He then admits, "on the other hand it is perfectly clear that the sovereign powers vested in the State Governments, by their respective constitutions, remained unaltered and unimpaired, except so far as they were granted to the Government of the United States." He further says, "these deductions do not rest upon general reasoning plain and obvious as they seem to be," but have been "*positively recognised*" by the 10th amendment above cited.

It is not contended that a provision which, in terms or in effect, was in hostility to, or would tend to impair or weaken the requirements of the Federal Constitution, would be operative. Such, however, it cannot be said, is the tendency or effect of the clause of the Constitution of Florida cited. It does not, in any wise, dispense with the requirements of the Constitution of the United States. They are still in full force and effect. The provision in the Florida Constitution, has immediate reference to the relation which the candidate shall bear towards his electors, when he offers for the office. Those in the Federal Constitution are of more general character—having reference to the relation he bears to the whole people of the United States. The provisions of the Federal Constitution are *affirmative*, requiring a member to possess certain qualifications. Those of the Florida Constitution are *negative*, stipulating that, although possessing the qualifications required by the Federal Constitution, one who holds, or has held, within a year, certain State offices, shall not be eligible to election or appointment as a member of Congress. The disqualifications thus created with regard to these State offices, is entirely of a voluntary character. No man is compelled to accept these offices. One who accepts either, under the State Constitution, thereby consents to incur the disqualification, and as prescribed by the 11th section of the same article, he sanctions this consent by a solemn oath. The principal effect of the 8th section, will be (as was doubtless its object) upon the State offices in deterring aspirants for federal honors distinctions and emoluments, from accepting them. The "authority" of the Convention to "declare that the people who are acknowledged to be sovereign, shall not choose as their representative, any free white

citizen whom they prefer," has been denounced; but such denunciation must have proceeded from scarcely excusable ignorance of the character and powers of that body, derived from the people. The Constitution of Florida, since its ratification by the popular vote, is clearly, not a law imposed upon the people of Florida; but it is their solemn agreement between themselves, with respect to whom they will, or will not choose as their officers and agents. We will in charity, imagine this, want of information, or we are compelled to ascribe the denunciation, to the less excusable motive of deception and alarm of others, not fully informed, by the insinuation, that their rights had been abridged, and fettered by an antagonistical power, exercising usurped authority. This agreement thus made by the people of Florida, between themselves, secured by their self imposed sanctions and obligations, no other power can rightfully interfere with, or over rule; any more than it can over rule the private agreement of the voters with each other, or the determination of a voter in his own mind, not to bestow his suffrage upon a candidate, for any cause not enumerated in the Federal Constitution as a disqualification.

The salutary effect of this provision, will be to restrain the inordinate lust for office in this country; to prevent, in Florida, the occurrence of the spectacle witnessed in some of the States, of the office of Governor of the State, and its highest judicial stations being used as mere stepping stones to the post of Senator or Representative in Congress. The corruption of those who may hold these State offices, and of the electors, and the consequent degradation of both, will be prevented.

Those offices, and the station of Senator and Representative in Congress, from Florida, will be *elevated*. They will be filled by men, selected for their merits and talents, rather than by force of official influence. How can Congress object to a provision, the object of which is, and the effect of which will be, to preserve them from contamination and dishonor?

To use the language of a distinguished Representative from North Carolina, in discussing the case of Barney vs. McCreery, when before the House.

"So far from the views which the framers of the Constitution had, being thwarted by a construction of the kind he contended for, (in favor of the right of a Legislature to superadd qualifications) it could be the means of more completely carrying them into effect, unless it could be supposed, that a person's being *better qualified* than the Constitution required, should *disqualify* him altogether."

Every true friend of his country, who desires to see the supporters of political virtue and rectitude, promoted, instead of those who would practice the systems of "stratagem, intrigue and management," must yield his assent to the wisdom of this provision.

Other and various objections have been made to the Constitution formed at St. Joseph, some, inconsistent with and contradictory to each other, some founded on principles and doctrines entirely at variance with those advocated by other objectants, and some growing out of obvious misconception and misunderstanding of the meaning and tenor of the Constitution itself, and of its effects, when the State Government is organized.

The objection that "it descends too much into detail; it encroaches upon ordinary legislation," cannot be supported as true in fact, by a reference to the Constitution. It is easy to assert such general fault to exist, without pointing to the particular part of the instrument on which the objection is founded. A comparison of that constitution with those of several of the States of the Union, will show, that (excepting, perhaps, the 13th article, relating to banks and other corporations,) it is not more detailed in its provisions than several others; and especially, those formed or amended, within a few years past, and most approved. In fact, there are but very few provisions of the St. Joseph Constitution, (excepting the 13th article,) but what may be said to have been borrowed from some one of the Constitutions of the States of the Union; in many instances literally copied, and when altered in phraseology, only as necessary to conform to other parts. It will be noticed that the details objected to, are chiefly the enumeration of restrictions upon the different departments of the State Government—the withholding from the Executive and Legislative branches, certain powers, *and retaining them in the hands of the people*. Experience has proved the propensity of every department of government, and especially the Executive and Legislative, to extend the sphere of their power, and to resort to constructions and implications of an unwarrantable character, to effect such object. That "too much legislation is the vice of Republics," has become a maxim. The statute books of the federal legislature, and those of the several States, and of our Legislative Council attest its verity. Our local legislature, since the formation of the Territorial Government, has enacted, repealed, re-enacted, revived, altered, amended, and modified laws, with unexampled exuberance. The imperial parliament of Great Britain, with the vast dependencies and colonies of that great Empire in every quarter of the globe,—with its navies,—its armies,—its immense population,—its important relations with every nation of the earth,—all necessary subjects of its legislative guardianship, has not made more laws, public and private, since 1822, than has our Council. The organization of the State Government under this Constitution, will repress this folly. The proper and legitimate scope for legislative action and duty is there defined and prescribed, and beyond the line therein marked down, that Department cannot go. The expense saved to the people, by thus preventing idle and unnecessary legislation will be great, and the salutary results flowing from the absence of useless fugacious and unwise laws, much greater.

It has been said, that some of the restrictions in the Constitution, upon the power of the Executive and Legislative Departments of the State Government, will cripple the energies of the State in times of exigency, especially in raising funds, as a crisis may make necessary, for the defence of the State against foreign or domestic enemies. It is true, that "money is the sinew of war," but in such emergency, a reliance on the *unbought* and *unpaid* patriotism and valor of Floridians, would be of more avail; than on mere hirelings of the State Treasury. Besides, no such emergency can arise. It is the con-

stitutional duty of the Federal Government to protect and defend the State from invasion and insurrection; and no resort need ever be had to its credit for such object. The services of her citizens may be required, and for these, if demanded, the Federal Treasury must make remuneration. Subsistence and munitions of war are also to be furnished by the Federal Government, and it is to be hoped that the period will not soon arrive, when it will have become so creditless, as to require the endorsement of the State of Florida to procure them. But there are no restrictions in the Constitution which will have the effect apprehended. So long as our People possess patriotism, or public spirit and virtue, there could be no restrictions which could effect such result. If we should become lost to these incentives, any authority in the Constitution to the Legislature to *borrow notes of*, or to *lend its credit to Banks*, would be of little use. The energies of the State would have been in greater jeopardy of being crippled, and the public credit injured, if the restriction against loaning the public faith to corporations had been omitted.

But while these objections have been made to the constitution from one quarter, from another is heard very contrary doctrines urged against it. "Too much power." (it is alledged in a minority report of a committee of this house at its last session,) "is placed in the hands of the Executive." "All power is stripped from the hands of the people, who are not allowed the election of but few of their officers—that power being almost entirely vested in the General Assembly." Equally unfounded are these charges in fact and in principle. The Governor, the Senators and Representatives in the Legislature, the Clerks of the Circuit Court, and all officers in the militia, (except staff officers, who must, however, be taken from the line,) are to be elected by the people. The election of the Judge, Attorney General, and Solicitors, Clerk of the Supreme Court, and Clerks in Chancery, Secretary of State, and State Treasurer, and Comptroller, it is true, the people assembled in convention, delegated to the Legislature; and that the course pursued was judicious, the practice of a large majority of the States, and the opinions of the wisest Statesman have sanctioned. While, too, it has been strenuously contended by some, that it was a gross fault in the constitution, that it allowed alterations and amendments to be made with too great facility, it is urged, (by the minority of the committee before adverted to,) that the provision, that no convention of the people can be called, unless by the concurrence of two-thirds of each house of the General Assembly, "deprives the people of a valued right."

These objections, it will be seen, are founded on mere matters of opinion and fancy. It would be utterly impossible to satisfy both parties differing so widely both as to facts and deductions. But with regard to the first objection, we would observe, that it is to be supposed the facility of amendment of the constitution, if the people should find the State Government does not work well under it, would cause those who urge it, to relax their opposition on the other objections urged, as they can be remedied so easily.

Strange as it may seem, yet it has been contended by the oppo-

nents of the constitution, in *every* section of Florida, that *such* section has been done injustice to, by the apportionment of Representatives in the Legislature. This certainly cannot be true as to *all*. We do not regard the objection well founded as to any. The only basis recognised in the constitution, is the true republican *rule of population*. A mode is provided for the periodical ascertainment of the population of each county, and the equal and fair apportionment of representation, according to this rule. What could be more just we cannot imagine.

The making of clergymen, office holders, duellists, and bank directors, ineligible to a seat in the Legislature, has occasioned violent denunciations of those parts of the Constitution, as illiberal and proscriptive. The provision inhibiting the first specified class, was doubtless upon very different principles, and for widely different reasons, from those which influenced to cause the exclusion of *those last* specified. We will not, on this occasion, discuss these principles; but we cannot omit stating the fact, that the clause disqualifying Ministers of the gospel from holding seats in the Legislature, was advocated and voted for by every clergyman in the Convention; and that with respect to the others, the disqualification is entirely voluntary on the part of the person rendered ineligible. He can prevent this part of the constitution from operating upon himself, if he chooses to repress his ambition, his passions, and his avarice.

The chief opposition to the constitution, has, however, been founded upon the 14th section of the 13th article above mentioned, relating to "Banks and other Corporations," and also the first section of article 17, being the schedule or ordinance relating to charters granted by the Territorial Council. The friends of the banks have become alarmed, lest under authority of these provisions, such legislative action may be had, as will cause their destruction. We apprehend no such result. The utmost action of the first Legislature of the State in exercising the power to "to regulate, restrain and control" such associations, "so as to guard, protect and secure the interests of the people of the State," that has been contended for by any, is such alteration and modification of existing charters, as to cause them to *conform* to the general regulation with respect to banks and other corporations to be found in that constitution. Some insist that this course must be pursued under the imperative provisions of the constitution, and that it is indisputably true that the corporations must conform and yield to the constitution; or the State and Constitution bow to the corporations. Whether this be so or not, an examination of the regulations and restrictions as to banks, in the constitution, will, we believe, show, they are not of the destructive and subversive character that has been represented. Most of the provisions in the Constitution are to be found in the charters of the only two Banks in Florida, the paper of which never depreciated, and which continued to have public confidence while in operation. The existing banks, by wise and judicious legislation can, with but little trouble or inconvenience, and without loss or detriment, be made to conform to them. Nay, it is believed that

if such course was adopted now, with their consent, before we become a State, it would be the most effectual means of restoring them to credit and confidence. It is alledged that the public faith has been plighted by the bonds and guarantees granted to them. The preservation of this faith from dishonor, whether rightfully loaned or not; the adoption of means and measures, to secure its honest ultimate redemption by those who have received the money loaned upon it, can then be rightfully attained. The separation, in these associations, of the character, as offices for loans on real and personal estate for long periods, from their banking privileges of discount, exchange and deposit, can be effected without difficulty. It is believed, that to this connexion is attributable, in a great degree, their present embarrassment. Such divorce can be made, and those concerned in the present banks, retain both privileges separately, without the slightest injury to any. In fact, the stockholders, the holders of the faith bonds and guarantees, the bill holders, and other creditors, the public at large, and the State Government, will be greatly benefitted by such amendment. Full confidence may be entertained in the intelligence, wisdom, prudence, and justice of the first Legislature of the State, upon which this duty devolves. There is no danger of their pursuing a course, as some seem to fear, which may cause a subversion of right and law, bring ruin on their constituents and themselves, and dishonor the State of Florida. Those who have such apprehensions, must have but little confidence in the People. We do not distrust them.

The predisposition of some not to be satisfied with the Constitution, is displayed in the objection that it "re-enacts many of the provisions of the Constitution of the United States." This may have originated in want of knowledge, as to what extent many of the provisions of the Federal Constitution, affect the local action of a State Government, unless incorporated in the State Constitution, and also how far the convention, in this respect, followed the example of other States. Enlightenment on these points, might perhaps remove the objection. We cannot discover any wisdom in excluding the provisions objected to, if they are judicious, merely because they can also be found in the Federal Constitution. Their reiteration can do no harm.

That clause in relation to Spanish grants annulled by the King of Spain, before the final ratification of the treaty, and which has excited hostility from those seeking to establish them, is but a proper precautionary measure to prevent future collision between the State and Federal Governments, and referring the legal settlement of the titles claimed under those grants, to the proper federal authorities.

It was not to be anticipated that a form of Government could be devised, all the details of which would suit the fancy of every individual in Florida, even the most anxious for State Government. Those not natives of the Territory, have congregated here from different States of the Union, and many from foreign countries, each with his own peculiar notions and predilections. Diverse as they are—some opposed to becoming a State at present under any constitution—some desiring division, it is not surprising, greater unanimity was not exhibited in the vote given for the ratification of that instrument.

The committee have, they believe, noticed most of the objections that had influence in that vote. They trust they have in some degree with the candid and liberal, dissipated them. There is yet, however, one provision which has been excepted to by some, that has not been commented upon. It is section 1st of Article XVI. No Floridian has contested the propriety of this provision, with reference to its future effect *at home*, but some regard it as injudicious in tending to excite hostility to our recognition as a State *elsewhere*. We cannot yield to the force of this reasoning. It is high time the questions involved in opposition upon such grounds should be decisively and forever settled. We should be recreant to the South and to ourselves, if we faltered or cowered with respect to them. If our domestic institutions are still further to be assailed; if those who have no interest in, and who do not understand, and ignorantly or wilfully misrepresent them, are resolved to persist in their unconstitutional intermeddling, and to dictate to us in regard to them—if they will recklessly persevere in conduct which must inevitably lead to the dismemberment of the confederacy, the sooner the crisis comes, the better. The South know their rights, and knowing will maintain them. The Genius of American history, will drop a tear on the page which tells of civil war and all its attendant horrors; which records the sad tale, that factious ignorance, mislead fanaticism or treasonable ambition, could not be restrained from the demolition of the fairest fabric of Government, political wisdom, ever devised; which may also tell how that Flag now proudly floating in every clime, the emblem of our National Union, was torn to shreds and trampled in the dust!!! The same page, however, will record the patriotic forbearance of the South—under insults and contumely and outrage, borne, for a series of years, for the sake of preserving the Union—and the *next* will state, that from the scattered fragments of this confederacy, another structure was reared by them, equally beautiful and more firm and enduring.

In the memorial herewith reported, the committee have stated the repeated appeals to Congress, for recognition of our right to admission as a State under the treaty, and the extraordinary neglect and delay in regard to us. It is not important now to enquire, to what causes this should be attributed, nor do we deem it necessary to dilate upon the course to be pursued by the people of Florida, if further unreasonable neglect of our rightful demands ensues, or if refused them, except to suggest, that the means of redress are in our own hands, and while prudence, moderation and forbearance should be exercised, there are examples in the history of this confederacy, at no very remote period, that can be safely followed in the maintenance of our rights, with favorable success. The insulting insinuation has been made, that we have already sought to "bully" Congress into admitting the State, but the facts stated in the memorial now preferred, and the accompanying papers, show that such imputation is unfounded.

The only measure now recommended by the committee, is the adoption by this House of the annexed resolution.

All which is respectfully submitted.

AUGUSTUS STEELE,

In behalf of the majority of the Committee.

Resolved by the House of Representatives of the Territory of Florida, That a copy of the memorial to Congress, reported by the Committee on the State of the Territory, on the subject of the admission of Florida as a state, and copies of all the documents therein referred to, be made; signed by the speaker and clerk of this House, and transmitted to the Hon. Mr. Calhoun, of the Senate of the United States, from the State of South Carolina, with a request that he will lay them before that body at an early period of the next session, to the end that the action of Congress thereon may be had; and that like copies may be furnished the next Delegate in Congress, from this Territory, and that they be printed at the end of the Journals of this House.

Five hundred copies thereof were ordered

*To the Senate and House of Representatives of the United States,
in Congress assembled :*

The Memorial of the House of Representatives of the Territory of Florida, in behalf of the People of said Territory,

RESPECTFULLY SHOWETH :

That the people of this Territory, while they remain under a Territorial Government, are in a great measure disfranchised, and deprived of some of the most important privileges of American citizens. The state of dependence and vassalage incident to such government, without choice in the election of their officers, without power of correction of abuse of official authority, or punishment for outrage of their rights by those sent hither to govern them;—such government is abhorrent to the freemen who have emigrated hither from the states, and strongly calculated to deter large numbers of others from adding to their population.

For several years past, the people of Florida have in various modes appealed to the National Government to redeem the honor of the nation, plighted to Spain and to them, by the treaty of cession, by which the inhabitants of the ceded provinces had deemed their recognition as a State, after they should have adopted the initiatory measures for the organization of such government, and their admission into the Union, as a right, which must be yielded when the demand was made. As yet but little effect has been produced by these appeals, as the following statement of facts, and the references made in support of it will show.

In 1834, the Legislative Council took action on this subject. The committee on the state of the Territory, in that body, being instructed to inquire and report as to the propriety of submitting the question of State Government, to the people of Florida, made a report; a copy of which, and extracts from the Journals, showing the action of the Council thereon, is hereunto annexed.

In 1837, the Legislative Council having been disappointed in the expectation that Congress would, (in compliance with the often and variously expressed wishes of the people of Florida to them) have

provided for the adoption, of the preliminary measures necessary to form and organize a State Government, by a vote of *twenty-three to nine*—(see extract from journal of Council annexed, page 101 of journals) passed an act entitled "an act to take the sense of the people of this Territory on the policy and propriety of becoming a State,"—a copy of which act is to be found page 23 of printed documents No. 206 of House of Representatives U. S., 3d session, 25th Congress, hereunto annexed. A certified statement of the popular vote under this law, and of the Proclamation of the Governor, is annexed, shewing that the majority in favor of a State was in an aggregate vote of three thousand four hundred and eighty-five, upwards of one thousand.

In 1838 the Legislative Council again took up this subject, and a select committee made a report, of which a copy is annexed, and the action of the Council in regard to which is shown by the extracts from the journals also annexed.

At the same session a law was passed entitled "an act to call a convention for the purpose of organizing a State Government," to be found page 25 of said documents 206, hereunto annexed.

Elections were held in every county of the Territory under this law in October, 1838, for the delegates to the constitutional convention.

In December 1838, the constitutional convention assembled at St. Joseph. Hereto appended is a copy of the constitution, or form of State Government adopted by it, and in behalf of, and for the People of the State of Florida, and also a copy of the journal of their proceedings.

Under the order of the convention a special committee transmitted a memorial to Congress in behalf of the people of Florida, demanding admission as a State, which was, Feb. 20th, 1839, read in the House of Representatives, laid on the table and ordered to be printed. A copy of that memorial is contained in document 206, before mentioned.

In 1838 the Legislative Council of Florida considered the project mooted by the Legislature of the State of Alabama, to annex West Florida to that State, and a select committee made a report adverse to the project, a copy of which is annexed, and the action of the Council upon which, is shewn by the extracts from the journal also annexed.

In May, 1839, the constitution formed at St. Joseph, was, under its provisions, submitted to the people for rejection or ratification, and as is shown by the official statement of the votes given thereon, and the proclamation of the President of the Convention, hereunto annexed, it was accepted and ratified by a majority of the people.

In 1840, the Legislative Council again considered the subject of State Government. In the Senate, a report of a Select Committee in favor of it, was agreed to by a large majority. A copy of this report is annexed, and the final action of the Senate thereon, is shewn by extracts from its journals, also annexed. The House of Representatives appointed a Select Committee, which made a report, of which a copy is annexed, as also extracts from the journals, showing the action of

the House thereon. The report, adopted by vote of 19 to 8, is decidedly in favor of the speedy organization of the State Government.

All these documents have been heretofore specially laid before Congress, and in addition thereto, many memorials from citizens, expressing the same wishes.

Hitherto, these appeals, for recognition of our rights, and for justice, have been unavailing, to procure for the people of Florida scarcely notice from Congress. It would seem that, on the stormy sea of political contention, the preservation of the ship of party, so engrossed the action of all, that the people of a remote Territory, having no voice, and little influence in the pending conflict, should not have expected the consummation of their hopes. Delay, neglect, scarcely notice, is the treatment their earnest and repeated calls have received. Some of their appeals have not even been printed.

At this session (1841) the Council of Florida have adopted the measures indicated in the copies of the reports and instructions, and extracts from their journals annexed.

The attention of Congress is asked to these proceedings, and to all the foregoing documents; and it is asked that they may be printed for the information of the American people, and such action is earnestly solicited in behalf of the people of Florida, as may prevent any possible necessity for the exercise by them of their inalienable rights, and that sovereign power, never extinct, and with freemen, ever competent and efficient for their protection against injustice and wrong.

PROTEST.

WE, the undersigned members of the Legislative Council, representing the Territory East of the Suwanee, make this our solemn **PROTEST**, in behalf of the majority of our constituents, against the act of the Legislature, memorializing Congress for an early admission of the Floridas, as one of the States of the Confederacy.

They claim the right of separation by limits which have long existed, and such as have ever been observed by the nations, that have held the destinies of this country; and they maintain that so much is conceded by the high authority of the Treaty of Cession, between Spain and the United States, in the expression therein contained—"the Floridas."

In years past, they beheld, with indifference, portions of the Western Province united to the States adjoining it; and they silently acquiesced in the act of national expediency that united the Floridas for a time, into one Territory, while the treaty received a sanction by the division of the country into two counties, separated in their approach by the river Suwanee.

The union that now exists, is no where over the Territory, regarded as permanent; it affords no present or prospective advantages to either section of the country—except only so far as the population of the East may answer for a time, the convenience of the aspiring and more prosperous West.

They regard the division of the Territory by the Suwanee river, as the natural and proper boundary, and they urge the differences of policy, of feeling, and of society, that as strongly interpose. The diversity of soil, climate and natural resources that exist, give no common object of pursuit, encourage little intercourse, and lead to none of those social relations, such as tend to a common welfare and harmony. They represent the great inconveniences, fatigues and expenses attending the travel from populous neighborhoods to a remote central capitol.

We represent the East as borne down by the devastations committed by the Indians, for a succession of years, upon property and life; and so far from its inhabitants being able to bear up with the expenses incident to a State Government, many of them are incapable of gaining a subsistence for themselves and families, without the constant aid of the General Government.

In obedience to that majority of the free voters of the East who advocate a Division of the Floridas, we present this Protest, and put forth some of the reasons they urge in its support.

J. G. COOPER,

JOHN C. PELOT,

Members of the Senate.

JOHN M. FONTANE, of St. Johns;

BUCKINGHAM SMITH, of St. Johns;

GABRIEL PRIEST, of Duval;

S. D. FERNANDEZ; "

J. L. THIGPIN, of Nassau;

W. H. WILLIAMS, of Musquito;

Members of the House.

Mr. Duval from a select committee made the following report:

The committee who was authorised to ascertain the value of the printings for the year 1841. Guided by the prices paid for such printing during the three previous years, have had the same under consideration, and ask leave to

REPORT

In the Journals of 1838, no price seemed to be fixed on by the report of a contract, without any prices being stated. In 1839, it seems to your committee that four cents per hundred words was allowed for the miscellaneous printings, and four dollars per page was allowed for the printing of the laws and Journals of the Council. In 1840, the prices seemed somewhat lowered in the printing of the Laws and Journals. Your committee, however, has devoted much time to ascertain the proper value of the printing for the present year, and have arrived at the conclusion, that four cents per hundred words for fifty copies, and four dollars per page, for the printing of the Laws and Journals of the Council, would be a fair estimate. Your committee have examined an account laid before them by the printers of the miscellaneous printing, up to the 17th of the present month, and making several calculations found them correct, and would re-

commend such prices to the Compensation.

Respectfully submitted.

A. F. DUVAL, *Chairman.*

Which was read and referred to the compensation committee.

Mr. Mosely made the following report :

The committee on the Judiciary, to whom was referred the petition of the administrators of Miles Blake and Richard C. Parish, asking for authority to make title to certain lots of land therein mentioned, have instructed me to report the following bill, entitled "A bill to authorize the administrators of Miles Blake and Richard C. Parish to make title to certain property therein mentioned." All which is respectfully submitted.

WM. D. MOSELEY, *Chm'n.*

Which was read.

Said bill was read a first and second time and ordered for to-morrow.

Mr. Brown presented the petition of Thompson & Hagner attorneys at law, praying that an account of one hundred dollars.

Which was read and referred to the committee on the Judiciary.

Mr. Bell pursuant to previous notice asked and obtained leave to introduce a bill to be entitled an act to incorporate the Academy in the county of Hamilton.

Which was read a first, second and third time and passed.

Ordered that the title be as stated.

Mr. Brown introduced the following bill, viz :

A bill to be entitled an act to provide for the appointment of a Commissioner to settle all Military claims arising under any law of this Territory, since the commencement of the war with the Seminole Indians and for other purposes.

Which was read and ordered for a second reading on to-morrow.

His Excellency the Governor transmitted to this House the following communication.

EXECUTIVE DEPARTMENT, }
Tallahassee, February 22, 1840. }

To the Legislative Council of Florida :

Since my late message upon the subject of Colonel Robert Brown's and Major Isaac Garrison's claims in behalf of their regiment and battalion, and after the Council had refused to take action thereon, I was applied to in the most earnest manner to issue the bonds, which the Council had been informed by a message I was prepared to execute.

In the interim, however, I had received the enclosed letter from the Hon. Madison C. Livingston, which is herewith trans-

mitted to the Council with letters from the Hon. J. C. Pelot, J. G. Cooper, and others, members of the Council from East Florida.

I submit to the Legislative Council, if it might not be proper, before the Executive complies with the resolutions already adopted, to cause an investigation to be made into the imputations and charges contained in the communication of the Hon. Mr. Livingston.

It seems to me to be due to the claimants to the parties assailing and defending them, and to the character of East Florida.

The investigation might be made by a commissioner or commissioners to be appointed by the Legislative Council, or the Executive.

If these claims be just, as the resolutions recently passed unanimously by the Legislative Council suppose them to be, they should be promptly and immediately settled, if they are unjust let those who are in possession of the proofs, have an opportunity to present them.

I have requested the House to transmit to your honorable body, the original correspondence (after having read the same) for your information.

ROBERT RAYMOND REID.

Which was read and with the accompanying letters ordered to be transmitted to the Senate.

Also the following,

EXECUTIVE DEPARTMENT, }
Tallahassee, 22d February, 1841. }

To the Legislative Council of Florida :

It is known to you that Hannon G. Harlan was *broken up* and his family murdered during the past year by the Indians ; he has requested me to apply to you, in his behalf, for your friendly interposition with Congress, for his relief—he States the amount of his losses to be four thousand dollars, (\$4,000.)

ROBERT RAYMOND REID.

Which was laid on the table.

Also the following,

EXECUTIVE DEPARTMENT, }
Tallahassee, 22d February, 1841. }

To the Legislative Council of Florida :

I herewith return an act concerning Indian depredations, and for other purposes.

It will be perceived that in the first section, the Governor and Legislative Council are authorised to appoint “*by annually*,” a Board of Commissioners, and so forth ; which it is presumed, is a mistake, if intended to read “*biennially*,” that would be impracticable, as the Legislative Council sits but once a year.

When the proper correction is made, the act will be approved.

ROBERT RAYMOND REID.

Which was read and ordered to be transmitted to the Senate.

A bill to be entitled an act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida, was received from the Senate with their concurrence, after they had amended it.

Which amendments were adopted by the House, and said bill ordered to be enrolled.

The House received from the Senate a Memorial to Congress for Mail Routes, &c. with amendments; and also, with the information that they had adopted the same.

Which amendments were agreed to and said bill ordered to be enrolled.

A bill to be entitled an act for the relief of Benj. G. Thornton was postponed until to-morrow.

A bill to be entitled an act relating to the manner of bringing suits in the Courts of this Territory and for other purposes.

Was read a second time and ordered for a third reading on to-morrow.

A bill to be entitled an act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steam Boat Company,

Was read a third time and passed.

Title as aforesaid.

A bill to be entitled an act to suppress shin plasters was laid on the table.

A Resolution relative to the Commissioner of the Tallahassee Fund, was laid on the table.

A Resolution in favor of S. J. Perry was read a second time, and ordered for a third reading on to-morrow.

The House then adjourned until to-morrow morning ten o'clock.

TUESDAY, February 23d, 1841.

The House met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Duval presented the petition of R. C. Ragland, praying that he be relieved from certain punishment to which he was sentenced by the Superior Court of Leon County;

Which was read, and referred to a Select Committee;

Messrs. Duval, Thigpin, and Bryan, were appointed said Committee.

Mr. Brown presented the petition of Aun F. Perrine, praying that she be appointed Trustee, (in the place of her deceased husband,) of the Tropical Plant Company ;

Which was read, and referred to a Select Committee, consisting of Messrs. Brown, Steele and Pent.

Mr. Smith, from the Committee on the State of the Territory, made the following Minority Report, viz :

The Chairman of the Committee on the State of the Territory, for so much therein, arising on the subjects of the formation of a State, the Constitution of Saint Joseph, and the Division of the Territory, asks leave to present the following

REPORT :

The boundaries which once defined Florida, have been gradually drawn from over a vast extent of country, until it is now included within the Ocean and the River Perdido. A still extensive Territory, an increasing population, and a great policy urge a further declension of the limits, and also a Government separate and independent for the Peninsula—apart from the contiguous country. The region of the more southern portion has been explored within the few years of war with the Indian tribes, and a knowledge has been thus obtained of its fertile soil, of which there existed at the time no previous information.

Of the neighborhoods of Saint Augustine, thence southward, some way along the coast, and for many miles up the mouth of the river Saint Johns, the English during the twenty years they held possession, cultivated the soil to advantage, and the country had a more numerous population than it has probably possessed at any other time. To the West of the Suwanee river, over the country of Middle Florida, had existed a Spanish colony more numerous, than at present dwell upon it : its history and fate are perpetuated in the evidence of extensive fields, and many conflagrated dwellings. This was doubtless the country of "Apalachia," the same which was ravaged near a century and a half since, the fertility and beauty of which seems to have faded from the memory of the Spaniards.

For a third time was Florida advancing towards a general settlement, when in the year 1836, the peninsula was again hurried back into a state of nature. A singular history has been here ; but whether under Spain, England or the United States—however variant may have been their policies—the inhabitants have been successful, and the country has flourished. Middle and West Florida, notwithstanding some injuries inflicted by the Indians, and the many evils entailed by artificial embarrassments, continue to gain in population, and their plantations yield their increase. On the contrary, it is the hour of depression with the East ; the savages have over-run it, and the inhabitants who have not left the country, or been destroyed, are bearing arms in the camp ; some are collected in the towns with the remains of their property, and many of them are living upon the boun-

ty of the Government. Under these circumstances, the people of the Middle and West call for the formation of a State Government, which the people of the East as loudly refuse, and in urging their destitute condition, they point to the natural division of the country, the separate administration under Spain, and forcibly urge the wide difference in their manners and their character, the extent, the conformation of the country, and the distance of its extremes assunder. This was, on one occasion, the language of their petition and remonstrance addressed to the Congress:

"From the early settlement of this country, the Territory known as Florida, was divided into two provinces, one upon the East, and the other upon the West side of the Apalachicola river, being the division of two separate and distinct Civil Governments, which division thus early made was found so advantageous, both to the Supreme Government and to the inhabitants, that it remained unchanged thro' the revolutions which transferred the dominion of these Provinces to Great Britain and back again to Spain.

"In the Treaty of Cession which conveyed the Floridas to the United States of America, the country is distinctly described as that known by the names of "East and West Florida," which term recognizes two separate provinces, each of them being then governed by a separate authority independent of the other.

"Upon taking possession of the country, the General Government of the United States, for motives which they, at the time, considered expedient, united East and West Florida under one temporary Territorial Government; but by an ordinance of the first American Governor, the country was divided at the Suwanee river, into two counties called Saint Johns and Escambia, and a portion of the Territory formerly known as West Florida, had been previously incorporated into the States of Alabama and Mississippi, and as the Suwanee had always been the division of the military government of East and West Florida, we considered that this act established the division line to serve for all future purposes; and therefore the neglect of the original inhabitants of the country to enter heretofore a formal protest against the union of the two provinces, cannot be construed into an acquiescence on their part, or an evidence that they have not continued to desire an adherence to the letter and spirit of the Treaty.

"A country situated like the Floridas, being about seven hundred miles long from the Perdido river to Cape Sable, (without including the Islands extending a still greater distance,) and seldom equaling one hundred miles in breadth, at any point, is inconveniently extensive for a single Territorial Government, in as much as the wants and wishes of a people covering a country so diversified in soil, climate and natural resources, must be widely different, and great inconvenience must always arise from the delays and expense attendant upon long journeys to the Seat of Government, which difficulties and injurious consequences have for years been severely felt."

"Our desire for the separation of East and West Florida into two separate Governments, proceeds from no excitement caused by the irritation of sectional feelings, or jealousy of other portions of the Territory; but from a long considered, and firm conviction of the

necessity of the measure, based upon an experience of eighteen years, during which time the inhabitants of East Florida have suffered great and continued hardships from the distance of the seat of Government, and from the enactment of laws, which, however salutary, or well adapted to other sections of the Territory, differently situated, have been onerous and injurious to us, and inimical to our interest.

"Therefore, we, representing the peculiar geographical outline or boundaries of Florida, which, from its first discovery caused it to be divided into two provinces; and the extent of its area in square miles, which designs it by nature rather for two Territories than for one: and the difficulties which have thus far, and which must hereafter be incident to a concentration of one single authority over a whole, so extensive in its parts, and diversified in its interests, pray that Congress will take into its serious consideration, the propriety, the justice, and the sound policy, of restoring East Florida her independent government, by erecting into a separate Territory that portion of Florida lying East of the Suwannee River, including the Peninsula and the Islands thereunto appertaining."

A majority of the people of the East maintain an unwavering opposition to a State Government; and their numbers are full and undiminished. Under the law of the year 1837, the County of Saint Johns cast its vote to a man, against the Territory becoming a State. A Convention was called, and a Constitution was made, and submitted to the people. In the East it found but little openly to contend with. From the votes of "Constitution," or "No Constitution," which were subsequently cast, an opinion should not be entertained of a decreased voice in the East against a State Government, neither of the unpopularity of the instrument.

Some voted for it, who had witnessed or knew the desire of the Middle and West to form a State and looked for a non-acceptance to lead only to the formation of a bill of rights, less friendly to public liberty: others who were positively inimical to its principles joined with the unwavering number who, finding no fault, looked only to the defeat of a State Government. In this regard, the minority of the Committee cannot consider it a duty to proceed farther; but the subject may be profitably considered in tracing the private interests and political connexions, which, through public legislation, for a number of years, has misguided and embarrassed the affairs of the Territory.

It has, however, been said, by a respectable opponent of the Constitution, that too much power is placed in the hands of the Executive; and that all power is stripped from the people. An objection so comprehensive, may be supposed to mean powers that are unusual; and a reference to the provisions will show, that the magisterial officer has not the ordinary powers of a Governor in the different States of the Union. His power of appointment to office is only during the recess of the Assembly. He cannot nominate judges, he cannot appoint military officers: the former being selected by the Legislature, and the latter by the soldiery. In the Convention, fault was found that the Governor was an officer in name only, and possessed of no substantial authority; and it was observed that more power was re

tained to the people, than under most of the Constitutions of the States.

BUCKINGHAM SMITH.

Which was read.

Mr. Priest, from the Committee on Claims, made the following report :

SEE APPENDIX.

Which was read, and with accompanying documents ordered to be printed.

The House received from the Senate the following bill as having passed that body, viz : A bill to be entitled, an act to authorise Executors and Administrators to sell Real Estate in certain cases, and to repeal certain acts therein mentioned ;

Which was read, and ordered for a second reading on tomorrow.

The House went into Committee of the Whole, on a bill to be entitled, an act for the relief of Benjamin G. Thornton—Mr. Thigpin in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported progress, and asked leave to sit again ;

Which was agreed to.

A bill to be entitled, an act to incorporate the bank of Tallahassee, was read a third time ;

The amendment offered on a former day by Mr. Mosely, was adopted ;

Mr. Branch proposed the following amendment :

Be it further enacted, That this Charter shall, upon the organization of the Government of the State of Florida, under the Constitution formed at St. Joseph, be subject and conform to the several provisions in said Constitution, and to the regulations and restrictions therein: and if said State is not admitted under said Constitution, shall be subject to the provisions of such Constitution as may be adopted therefor.

Mr. Stephens moved that the said bill be laid on the table ;

Upon this question the ayes and nays were called by Messrs. Mosely and Branch, and were :

Ayes—Messrs. Bush, Church, Duval, Elzuardi, Fernandez, Fontane, McKinnon, Miller, Priest, Sadbury, Smith, Stephens, Steele, Thigpin and Williams—15.

Nays—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Brown, Bryan, Branch, Evans, Mosely, Myers, Nunes, Pent and Taylor—13.

So said motion prevailed.

The Resolutions sent to this House on a former day, from the Senate respecting the appointing a Commissioner to revise and compile the laws of Florida, was read a second time ;

Mr. Branch offered the following amendment : 'That the number of Commissioners shall be three instead of one ;'

The ayes and nays were called on this amendment by Messrs. Branch and Williams, and were :

Ayes—Messrs. Bell, Branch, Fontane, Mosely, Pent, Taylor and Williams—7.

Nays—Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Bush, Church, Elzuardi, Evans, Fernandez. McKinnon, Miller, Priest, Sadbury, Smith, Stephens and Steele—16.

So said motion was lost.

The House then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, February 24th, 1841.

The House met pursuant to adjournment, and the journal of yesterday's proceedings was read.

Mr. Evans gave notice that he would, on some future day, ask leave to introduce a bill, to be entitled, an act to amend an act to incorporate the city of Pensacola, approved the 23d day of March, 1839.

Mr. Sadbury gave notice that he will, on some future day, ask leave to introduce a bill, respecting the stay of Judgments and Executions, and for other purposes.

Mr. Church gave notice that he would, on some future day, ask leave to introduce a bill to incorporate the Cherry Lake Academy, in Madison County, in this Territory.

Mr. Myers offered a resolution, requesting of Congress an appropriation to build a Light House upon Cape St. Blas ;

Which was adopted.

The House went into Committee of the Whole, on a bill to be entitled, an act amendatory to the several acts, incorporating the Central Bank of Florida—Mr. Nunes in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported the same to the House amended ;

Which report was received, and the amendments concurred in, said bill read a second time, and ordered for a third reading to-morrow.

The House went into Committee of the Whole, on a bill to be entitled, an act to amend an act, entitled, an act to amend an act regulating the mode of proceedings on Attachments, approved Feb. 15th, 1834—Mr. Bannerman in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported said Bill to the House, with all after the enacting clause stricken out ;

Which report was received, and laid on the table.

The House went into Committee of the Whole, on a bill to be entitled, an act to prevent the stealing of neat cattle—Mr. Stephens in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported said bill to the House amended;

Which was received and concurred in;

The bill was then read a third time, and put upon its passage;

The ays and nays were called by Messrs. Thigpin and Bird, and were:

Ays—Messrs. Bannerman, Bell, Bird, Brown, Elzuardi, Evans, Fernandez, Fontane, McKinnon, Miller, Myers, Nunes, Pent, Priest, Stephens, Taylor and Williams—17.

Nays—Mr. Speaker, Messrs. Church, Sadbury and Thigpin—4.

So said bill passed.

The title was changed so as to read, "An act to provide for recording marks and brands of cattle butchered in the Counties of Escambia and Washington, and for other purposes;

The Resolutions respecting the Bank of Jacksonville, received from the Senate, were read a second and third time, and adopted.

A bill to be entitled, an act in relation to Executions and Decrees in Chancery, was placed first among the orders of the day for to-morrow.

A bill to be entitled, an act to amend an act concerning the appointment and jurisdiction of Justices of the Peace, was read a second and third time, and passed;

Title as aforesaid.

A bill to be entitled, an act to repeal the 4th section of an act entitled, an act to amend an act passed Jan. 31st, 1838, entitled an act to incorporate the City of Apalachicola, approved March 2d, 1839, was read a second and third time, and passed;

Ordered that the title be as stated.

A bill to be entitled, an act regulating the fees of jailers in this Territory, was read a third time and passed;

Title as aforesaid.

The Resolutions in favor of John F. Hagan and others, were read a third time;

Upon the question of its adoption the ays and nays were called by Messrs. Brown and Bannerman, and were:

Ays—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Branch, Church, Elzuardi, Evans, Fernandez, Miller, Mosely, Nunes, Pent, Priest, Smith, Steele, Taylor and Williams—18.

Nays—Messrs. Brown, McKinnon, Myers, Sadbury and Stephens—5.

So said Resolutions were adopted.

A Resolution relative to auction taxes, was read a third time, and adopted.

The House then adjourned until this afternoon, at half past three o'clock.

HALF PAST THREE O'CLOCK.

The House went into Committee of the Whole, on a bill to be entitled, an act to amend the Charter of the Southern Life Insurance and Trust Company—Mr. Taylor in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported said bill to the House amended ;

Which was concurred in, said bill read a second time, and ordered for a third reading on to-morrow ;

The Report of the Committee on Internal Improvements, relative to Roads, Rivers, &c., was laid on the table.

A resolution relative to vouchers for claims paid, or to be paid, by the Territory, during the present Indian war, was laid on the table.

A resolution requesting from the Governor certain information in relation to claims against the Territory, was laid on the table.

A bill to be entitled, an act to require specie payments, and to provide remedies for the violation of Charters and Contracts by the Banks of Florida, was laid on the table.

A bill to be entitled, an act to aid the administration of Justice in the Southern District of Florida, was read a second time.

Mr. Pent offered as a substitute for the same, a bill to be entitled, an act to repeal an act entitled, an act concerning Jurors in the Southern District, and for other purposes ;

Which was received, the rule waived, and passed.

Title as given.

A bill to be entitled, an act for the support and maintenance of bastard children, and for other purposes, was laid on the table.

The Resolutions relative to the appointment of the Hon. Wm. Marvin, to revise, digest, and codeify the Laws of this Territory, was adopted by this House.

The House received from the Governor the following communication :

EXECUTIVE DEPARTMENT, }
Tallahassee, 24th February, 1841. }

To the Legislative Council of Florida :

Herewith I transmit extracts from a letter from Col. Blackburn, of the Florida Volunteers, recently received at this Department :

" There is one other subject which I wish to bring before you, and

which I hope you will immediately lay before the Legislature. During the three months Captain Buie and his Company served in the U. S. service, he had in his company two friendly Indians : namely, John Perryman and Joe Miller ; the mustering officer said he could not recognize them as a part of the Company ; consequently they have not received one cent for their services : they rendered good service to my knowledge, and should be paid by the Territory."

"If they are paid, they can be made valuable ; they are well acquainted with that section of country occupied by the Creek band. They are also acquainted with the warriors composing this party, and can be of signal service in trailing them up, or getting them to come in and give up."

ROBERT RAYMOND REID.

Which was read, and referred to the Committee on the Militia ;

Also, the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, February 24th, 1841. }

To the Legislative Council of Florida :

I return to you the Preamble and Resolution for the relief of the Administrator of James W. Exum, late Marshal of West Florida—with the objection : that the Resolution appropriates a sum of money to the Administrator which he has no right to claim. According to the statement of the Preamble, and the facts contained in the original papers, which I have examined, the balance upon the books of the Treasury against the late Marshal should be remitted— but he was not entitled to a dollar from the Treasury—nor does the petitioning Administrator claim any thing.

ROBERT RAYMOND REID.

Which was read.

Messrs. Brown Evans and Nunes, were appointed a Committee to confer with the Governor on said Preamble and Resolution.

The House received from the Senate, as having received the concurrence of that body, a bill entitled, an act to amend an act entitled, an act to incorporate the city of Apalachicola.

Also as having passed that body, a bill to be entitled, an act to amend the 3d section of an act entitled, an act to establish two terms of the Superior Court in Columbia county ;

Which was read and ordered for a second reading on to-morrow.

The House received also the following communication :

The Senate returned the enclosed bill with all but the enacting clause stricken out, substituting the act before passed by the Senate, entitled, " an act to require specie payments, and to provide remedies for the violation of charters and contracts by the Banks of Florida," with the title of the House bill, viz : " An act to secure to the people of this Territory a sound currency."

Attest,

J. S. ROBINSON, Sec'y. Senate.

The House consented to, and advised the appointment of Alexander B. Eustis as Justice of the Peace for Leon county.

A bill to be entitled, an act to authorize Isham Blake and John D.

Parish, to execute certain deeds and for other purposes ;

Was read a second and third time and passed.

The House then adjourned until to-morrow morning ten o'clock.

THURSDAY, FEBRUARY 25th, 1841.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Brown, from the Select Committee, to which was referred the petition of Mrs. Ann F. Perrine, reported the following bill : A bill to be entitled, an act supplementary to the act, approved on the 8th day of February, 1838, entitled, an act to incorporate the Tropical Plant Company ;

Which was read three times, and passed ;

Title as aforesaid.

Mr. Church, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to incorporate the Cherry Lake Academy, in the County of Madison ;

Which was read three times and passed ;

Title as aforesaid.

Mr. Evans, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to amend an act to incorporate the city of Pensacola, approved March 2d, 1839, which was read three times and passed ;

Title as aforesaid.

Mr. Bush made the following report :

The Committee on Enrolled Bills have directed me to report as correctly enrolled :

An act to Incorporate the Monticello Rail Road Company ;

Also, a memorial to the Congress of the United States, for mail routes through the Territory of Florida ;

Also, an act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida ;

A Resolution requesting the Delegate in Congress to procure the enactment of a law, giving to the Governor of this Territory the franking privilege ;

An act to amend an act entitled, an act to incorporate the city of Apalachicola.

THOMAS M. BUSH,

Chairman Committee Enrolled Bills.

Mr. Brown, from the Committee on Banks, made the following report :

The Committee on Banks, to which was referred the memorial of the President and Directors of the Union Bank of Florida, in accordance with a resolution unanimously adopted by the Stockholders of that Institution, at their last annual meet-

ing, instructing them "to ask of the Legislative Council a repeal of the 34th section of the Charter of the Bank, which forbids a sale at a discount, of the bonds of the Territory, upon which the capital of the bank is founded," have had the same under consideration, and, after a patient, and as your Committee believe, accurate investigation into the affairs of that Institution; and, considering the consequences involved in the prayer of the memorialists, submit the following as the result of their labours.

And the Committee further, on mature deliberation, recommend, the repeal of the last clause of the 9th section of the Charter, which allows, the Stockholders of the Bank, to release the property mortgaged, by the payment of the shares in money. This amendment your Committee deem important to the security of the Territory; and are advised that; it will be acceptable to the Stockholders of the Bank.

The Committee are satisfied upon the following important points, involved in the written, and verbal, statement, of the memorialists:

First: That the Bank is entirely solvent; having lost no part of its original capital; and possessing, with few bad debts, an accumulating sinking fund of \$334,816.00.

Secondly. That the bonds and mortgages, upon record, given by the Stockholders, upon their estates, in order to secure the payment of the 3,000 bonds, issued by Governors Duval, Eaton and Call, under a pledge of the faith of the Territory, afford to it a complete indemnity against the hazard of having to redeem that faith, by the payment of any part of their principal, or interest. That this indemnity is annually increasing in value, with the sinking fund arising from the profits of the bank, and the division, and improvements of the mortgaged lands. It cannot be long, before it will be further augmented, by the influx of emigration from abroad. It is, moreover, fortified by the inure debt due to the bank, of near three millions and a half for discounted bills.

Your Committee confidently believe, therefore; that the Territory will incur no hazard whatever, from granting the permission asked by the memorialists, to sell at the fair market value, the remaining Territorial bonds, constituting nearly one-fourth of their capital.

In addition to the obvious reasons which should induce this concession, other very urgent considerations, interesting to the Government and people of Florida, prompt your Committee earnestly to recommend it to your favorable regard.

From a detailed exhibit, made to them by the President and Directors, of the state of the Union bank, they clearly discern, that, whatever may be the extent of the curtailments effected by

their late order, to reduce, by one-fourth, the loans of the Bank, which admit of reduction; this resource, were it even enlarged, by the punctual payment of the accruing interest on the whole outstanding debt of the Bank, by the collection of the interest now in arrears, and the receipt of the debts on which judgment may be shortly expected, would not protect the bank from a very heavy loss in the application of those sums, to the discharge of the urgent and heavy demands upon it from abroad, a loss, very far exceeding any, that may be reasonably anticipated, as your committee are assured, from the actual sale, or hypothecation of the unsold bonds.

This loss would arise from the conversion, at the present, unfavorable rate of exchange with the north, of the sums received by the bank, into the means of discharging these demands. They arise from the foreign and domestic interest on the Territorial bonds already sold, amounting to \$2,296,000; and from the efforts which the bank has been driven to the necessity of making, to sustain its credit abroad; a measure essential to the value of those bonds, in the foreign markets, where, it is known, that they have all gone, and where, those, which are unsold, if sold at all, must find their best market.

The interest payable in July and January next, including \$15,000 which will become due on the lately deferred debt of the bank, will require a remittance to New York at those periods of \$159,000. A further sum of \$145,000, is to be remitted to London, through the same channel, by the first of July next, to discharge part of the debt due the bank of the United States, on the loan negotiated in June 1839. The deferred debt, and its interest, added to that, which will be due on the Territorial bonds, next July twelve months, will require a further remittance, to the north, of \$340,000, viz: \$278,000 for the former, and \$72,000 for the latter object.

The bank has farther, to remit, on account, to its agent in New York, before the 30th of June next, \$26,000.

These various sums furnish an aggregate of, say \$670,000 of remittances abroad prior to the first of July 1842, which can not be avoided, without the utter prostration of the credit of the Bank, even although it should not be required to resume the payment of specie. A resumption of specie payments within that period will require the further sum of near \$300,000, to pay the deposit debt, which has not been deferred, and to sustain the circulation of the current bills of the bank. These sums must, in like manner, be imported from abroad, by the Bank, or its debtors. If, by the bank, at an expense, if measured by the present rate of exchange, of forty per cent; making a total loss exceeding in all probability \$400,000, supposing the demand, for so large an amount of northern exchange, should occasion,

no advance upon its present rate; and that such an amount, can be had within this Territory. The amount payable in New York, let it be remembered, would, in this case, be augmented in Florida, by the sum required for exchange.

But should the debtors of the bank be required to pay this whole amount, of \$1,400,000, whence is it to be drawn?

The bank has, in suit, and may be expected to obtain judgments, at the ensuing spring term, to the amount of \$381,000. The interest of the current year, added to a moiety of that of the next year, may be estimated at \$400,000; and the bank has ordered a curtailment of twenty-five per cent on a further debt of \$906,000. It has, moreover, arrears of interest now due, to the amount of \$110,000.

When these suits were instituted, and that curtailment ordered, there was a prospect of, at least an ordinary crop of cotton, within the Territory, and had that prospect been realized, the sums above mentioned might have been collected.

It is, now, well ascertained, that the crop of Florida will not reach, if at all exceed, a third of that which had been anticipated.

The severity, therefore, of that coercion, which shall endeavor to enforce the payment of the above sum, exceeding one million of dollars, may well be conceived. But, this is not all. If this coercion be practised, by the sale of estates, whose income has been cut off, by enforcing judgments against merchants, whose stock in trade, cannot be sold; the debtors of the bank, thus threatened, with ruin, must turn upon *their* debtors, with like oppression, and a scene of public and private distress, created, without a parallel in Florida.

There are results, to be apprehended from such a state of things, which may be well imagined, but your committee forbear to describe.

One effect, however, must be readily seen, the loss of many of the debts, due to the bank, and to its customers from forced sales, yielding an inadequate return. For, if all the specie and paper currency, in the country, were brought into active use, it would not supply, one third of the required sum. The Union Bank has, in nine months, reduced, its circulation, nearly one half. It is now \$330,000, including much, which, in the, natural course of things, may be supposed to have been lost; \$7,578 of it being the paper of the late Central Bank, and Bank of Florida, for which the Union Bank is responsible.

It is under such circumstances, that the Union Bank applies, for liberty, to use 704,000 of its dead capital, now lying in London; consisting of bonds, which by the charter of the bank cannot be sold, at a discount. No American securities, however, recommended by the circumstances of the

States, which have issued them, being saleable, at present, but more, or less, under par, computing the American dollar at four shillings and six pence sterling. The Union Bank can derive no benefit, therefore, from this fund, in any form. For should the bank, as its directors announce, be desirous to pledge them, as a security for a loan, to be discharged, hereafter, by the application of other resources, it is obvious, that while the present restrictions upon their sale exists, they will not be accepted: to say nothing of the question, which may be, and has been raised, as to what sum amounts to "a sale at a discount."

The spirit, or object of the legal restriction of the charter was, doubtless, to bring into the Territory, a full equivalent, for the bonds issued to furnish the Capital of the bank; in other words, *dollar for dollar*, and the bank might contend, that a sale at a price much below, what a different construction might require; would be a sale without a discount, because, made, without loss to the bank or the Territory. For the bank would obviously sustain no loss, provided each bond of \$1,000, paid a thousand dollars of its debts abroad; altho' that debt, might be purchased, in the market, at forty per cent, under the par of specie.

But, it is not to avoid controversy with the bank, or the purchasers of its bonds, that the committee advise the removal of the above restriction. They are governed, by practical views connected, with the prosperity of the people, and the credit of the Territory. To save the loss resulting from the present unfavorable rate of exchange, to a community who export nearly all the produce of their lands and labour, and import from abroad, nearly all that they consume; in other words, to save the loss of forty per cent, per annum, upon the income of each consumer, or citizen of Florida, they are disposed to enforce the payment of specie, by the Union Bank. But, at the same time they are alike disposed, to withdraw all restrictions upon the use of the means the bank should possess, for the attainment of that desirable object.

The committee are animated by no feeling of partiality for, nor of hostility to the banks of the Territory. The time has gone by, when discussions relative to the utility of such institutions, can be regarded as of any avail: further than to prevent their unnecessary multiplication. Those, which exist, are entitled to the protection, and like all other Florida interests, to the favor of the Legislature; which should moreover, scorn to be regarded as capable of persecuting them.

But with the Union Bank, the Territory has a more intimate connection, and from any abuse of its privileges, is peculiarly guarded.

That Bank can make no dividends of its profits, until it has discharged the Territorial Bonds, which constitute its original capital

The Governor and Legislative Council have the annual choice of five, out of its twelve Directors; and the period may not be very remote, when the Territory will be allowed a moiety of its profits, for a purpose of great public benefit.

Whatever loss the Bank may sustain, should it not jeopard, the security of the Territory, against the necessity of redeeming its bonds, or paying their semi-annual interest, must delay the arrival of that period, and be divided between the people and the bank. At the hazard of prolixity, the Committee proceed to shew, how the loss, to which they have referred, may be avoided, by the sale, or hypothecation, of the remaining bonds of the Union Bank, and the Territory, otherwise greatly benefited by that sale.

Supposing those bonds to yield but seventy-five per cent in London,—eight or nine may be added to that portion of their proceeds, not needed, abroad, for the difference of exchange, between that city, and New York. Applying \$290,000 to pay the next July interest, at home and abroad, and the debt due and assumed by the Union bank, to the assigness of the bank of the United States, there will remain \$238,000, which, with the advance of eight and a half per cent, will yield in New York, a sum exceeding \$257,000.

By contracting with the holders of the deposit debt of the bank, not already deferred,—\$90,000 of that sum, may be applied to defer the other moiety of it, and there will, then remain specie to the amount of \$167,060, on which to ground the resumption of specie payments by the bank, and sustain its present circulation; thus that circulation should not have been reduced.

The immediate effect of that resumption will be, to restore the exchange, between the currency of the Union Bank, and that of the North, to its condition prior to December 1839, when the Union Bank sold its drafts on the North, at two and a half per cent premium.

Thus, while the bank will have been saved the necessity of extorting four hundred thousand dollars from its debtors, and those debtors the like sum from theirs, for the mere purpose of paying a premium on Northern bills; a like benefit will have been secured to the merchants, planters, and other citizens of Florida, who have, with Union bank paper, to purchase northern exchange.

The credit of the bank, having been thus completely re-established, all other difficulties, in its way, will be removed, by pursuing the salutary policy which has dictated its course for the last year.

The residue of its debt to the bank of the United States, deferred, on the condition of paying the portion recently assumed in London, will be met, together with the deferred domestic debt, due the 15th July, 1842, by the proceeds of the next crop, and a tempered, though firm pressure, upon those debtors of the bank, who are in condition to make payment of their curtailments; and by enforcing, in all cases, the payment of the interest, in arrear, and that which is accruing, on the discounted notes of the customers of the bank.

The bank will thus have restored its currency, by the use of that very fund, the unforeseen failure to command which, as the Directors have shown in their annual report, (hereunto annexed,) has occasioned its present embarrassments. With its credit and circulation restored, its means, at home and abroad, of providing for any unex-

pected disaster, will be multiplied and enlarged.

It is not to be disguised, that, while Florida is afflicted by a protracted, and till recently, most disastrous Indian war and a currency depreciated for every valuable purpose abroad, emigration will be turned from her borders, and that great resource of an unpeopled country, be lost to her growth.

The state of her foreign credit is affected, unequally perhaps, but greatly, by both of these calamities, and both should be regarded, in the same spirit, by her public Councils. They should look back, to gather wisdom for the future, and apply the lessons of experience, in a spirit of conciliation towards all minor differences of opinion. No foreign demand must be made upon the government of this Territory, that is not promptly met. The faith and honor of Florida must be maintained.

This obligation is alike incumbent on the Banks, the people, and the government of Florida.

In the name, therefore, of that people, and that portion of their government which may be supposed to speak their will, since it derives its existence from their voice, the Committee do enter, their most solemn protest against, and invoke the sanction of the Legislative Council to denounce, the doctrine, that this Territory, is either competent or inclined to violate its pledged faith, to the holders of those Territorial Bonds, which have been issued by its authority.

Your Committee need not attempt to demonstrate that this declaration, is essential, to the success of any measure, which looks to the public credit of Florida, for the relief of her people. But they are urged to the solemn protestation, which they here record, by higher motives. The obligations of immutable justice, and a regard for the honor of Florida.

They accordingly report along with a bill, in accordance with the prayer of the memorialists, a Joint Resolution, in conformity with the sentiment they have here solemnly expressed.

THOS. BROWN, Chairman.

Which was received and read.

The title of the bill reported is, a bill to be entitled, an act to repeal the 34th section, and the last clause of the 9th section of the charter of the Union Bank of Florida ;

Which was read ;

The Resolutions read as follows :

Resolved by the Senate and House of Representatives of the Territory of Florida, That the faith and honor of Florida, must, and will be maintained inviolate.

Resolved, That the validity of the bonds issued, and faith pledged by the Territorial Government, will be recognised and held sacred by the people of Florida, under any form of government, they may hereafter assume.

Resolved, That we do, in the name of our constituents, the people of Florida, denounce the doctrine, so injurious to their fair fame, that they

are either competent or inclined, to violate their plighted faith to the holders of those Territorial bonds which have been issued by their authority.

The House received from the Senate the following communication:

The Senate have concurred in the substitute of the House of Representatives, for an act to aid the administration of Justice in the Southern District of Florida.

Feb. 25th, 1841.

Attest,

J. S. ROBINSON, Secretary Senate.

The House received also a resolution from the Senate, directing the Commissioner of the Tallahassee fund to allow a credit of eight hundred dollars, on a judgment against Thos. Brown;

Which was unanimously adopted by the House.

The Senate transmitted to this House a bill to be entitled, an act in relation to public elections, with additional amendments;

Mr. Myers moved that said bill be indefinitely postponed;

On this question the ays and nays were called by Messrs. Stephens and Sadbury, and were:

Ays—Messrs. Bell, Bird, Bush, Fernandez, Fontane, Myers, Nunes, Priest, Smith, Taylor, Thigpin and Williams—12.

Nays—Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Branch, Church, Evans, McKinnon, Miller, Mosely, Pent, Sadbury, Stephens and Steele—14.

The motion accordingly was lost.

Mr. Fernandez then moved that the said bill be laid on the table;

On this question the ays and nays were called by Messrs. Fernandez and Bird, and were:

Ays—Messrs. Bell, Bird, Bush, Fernandez, Fontane, Mosely, Myers, Nunes, Priest, Smith, Taylor, Thigpin and Williams—13.

Nays—Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Branch, Church, Evans, McKinnon, Miller, Pent, Sadbury, Stephens and Steele—13.

So said motion was lost.

Mr. Stephens then moved that the House concur in the amendments of the Senate;

Upon this question the ays and nays were called by Messrs. Taylor and Fernandez, and were:

Ays—Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Branch, Church, Elzuardi, Evans, McKinnon, Miller, Mosely, Pent, Sadbury, Stephens, Steele—15.

Nays—Messrs. Bell, Bird, Bush, Fernandez, Fontane, Myers, Nunes, Priest, Smith, Taylor, Thigpin and Williams—12.

The House therefore concurred in the amendments of the Senate.

The House went into Committee of the Whole, on a bill to be entitled, an act in relation to Executions and Decrees in Chancery—Mr. Thigpin in the Chair. After some time spent in consideration thereof the Committee rose, and by their Chairman reported said bill to the House with sundry amendments;

Upon concurring in the amendments, the ays and nays were called by Messrs. Smith and Evans, and were:

Ayes—Mr. Speaker, Messrs. Bannerman, Brown, Bush, Church, Elzuardi, Fernandez, McKinnon, Miller, Mosely, Myers, Nunes, Pent, Priest, Sadbury, Stephens and Williams—17.

Nays—Messrs. Bell, Bird, Evans, Fontane, Smith, Steele, Taylor and Thigpin—8.

So the amendments were agreed to.

The bill was read a second and third time.

Mr. Smith offered the following amendment :

" Provided that this act shall be of no force in the County of Escambia, and in the counties east of the Suwannee River."

Upon this amendment the ayes and nays were called by Messrs. Smith and Fontane, and were—

Ayes—Messrs. Bird, Evans, Fernandez, Fontane, Nunes, Priest, Smith, Thigpin and Williams—9.

Nays—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bush, Church, Elzuardi, McKinnon, Miller, Mosely, Myers, Pent, Sadbury, Stephens, Steele, and Taylor—16.

So said motion was lost.

He then proposed the following :

" Any individual, or public rights, or the constitution of the United States to the contrary notwithstanding."

Upon this the ayes and nays were called by Messrs. Smith and Fontane, and were—

Ayes—Messrs. Bird, Fernandez, Fontane, Nunes, Priest, Smith, Taylor, Thigpin and Williams—9.

Nays—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bush, Church, Elzuardi, Evans, McKinnon, Miller, Mosely, Myers, Pent, Sadbury, Stephens and Steele—16.

So the motion was lost.

The ayes and nays were then called upon the passage of said bill, by Messrs. Fernandez and Smith, and were—

Ayes—Mr. Speaker, Messrs. Bannerman, Brown, Bush, Church, Elzuardi, McKinnon, Miller, Myers, Pent, Sadbury and Stephens—12.

Nays—Messrs. Bell, Bird, Evans, Fernandez, Fontane, Mosely, Nunes, Priest, Smith, Steele, Taylor, Thigpin and Williams—13.

So said bill was lost.

The Senate transmitted to this House the Memorial to Congress, with sundry amendments, which were agreed to by the House.

Also a resolution respecting a Light-House at Cape St. Blas, as having been adopted by that body, which was ordered to be enrolled.

The Governor transmitted to the House the following message :

EXECUTIVE DEPARTMENT,
Tallahassee, 25th February, 1841. }

To the Legislative Council of Florida :

I respectfully inform you that I have approved the following acts of the Legislature :

1. An act concerning Indian depredations, and for other purposes.
2. An act to amend the acts in reference to the Tallahassee Fund.

ROBERT RAYMOND REID.

Which was read.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, February 26th, 1841.

The House met pursuant to adjournment; and the journal of yesterday's proceedings was read.

Mr. Branch gave notice that he will, on some future day, introduce a bill, to be entitled, an act to change the name of Abraham Marshal Frolmore.

Mr. Brown presented a communication from G. K. Walker, Esq.; Which was referred to the committee on Compensation.

Mr. Bannerman asked and obtained leave, (without previous notice,) to introduce a bill, to be entitled, an act to amend the charter of the Tallahassee Rail Road Company;

Which was read, and ordered for a second reading on to-morrow.

Mr. McKinnon asked and obtained leave, (without previous notice,) to introduce a bill, to be entitled, an act to encourage the destroying of Wolves in the Territory of Florida;

Which was thrice read and passed;

Title as aforesaid.

Mr. Bush made the following report:

The Committee on Enrolled Bills have directed me to report as correctly enrolled,

An act to incorporate the city of Port Leon.

THOS. M. BUSH,

Chairman Committee Enrolled bills.

Mr. Brown, from a Select Committee, made the following report: The Committee appointed to confer with His Excellency the Governor, on the Resolution passed by the Legislative Council for the relief of the Executors of James W. Exum, late Marshal of the Western District of Florida, have performed that duty, and beg leave to

REPORT:

That His Excellency is satisfied with the explanation which the Committee has had with him, in regard to the justice of the said claim, and he has instructed the Committee to report to the House, that if they will return the resolution to him, he will sign it.

THOS BROWN, Chairman.

Which was concurred in, and a copy thereof directed to be transmitted to the Senate.

The House refused to concur in the amendments of the Senate, to a bill, to be entitled, an act to secure to the people of this Territory a sound currency.

The Senate sent back to this House a bill to entitled, an act to amend an act to incorporate the city of Pensacola, approved March 2d, 1839, as passed by that body.

Also, a bill entitled, an act to authorise Isham Blake and John D. Parish, to execute certain deeds, and for other purposes, as indefinitely postponed.

A bill to be entitled, an act to repeal the sixth section of the act entitled, an act further to amend the charter of the Southern Life

Insurance and Trust Company, approved Feb. 11th, 1838, and to revive the nineteenth section of the act, entitled, an act to incorporate the Southern Life Insurance and Trust Company, approved February 14 h, 1835 was taken up;

Mr. Branch moved that the bill be laid on the table;

On this motion the ays and nays were called by Messrs. Smith and Williams, and were:

Ays—Messrs. Bannerman, Brown, Bryn, Bush, Branch, Church, McKinnon, Miller, Mosely, Myers, Sadbury and Stephens—12.

Nays—Mr. Speaker, Messrs. Bell, Bird, Evans, Fernandez, Fontane, Nunes, Pent, Priest, Smith, Steele, Taylor, Thigpin and Williams—14.

So said motion was lost.

On the question, shall this bill pass its second reading, the ays and nays were called by Messrs. Smith and Fernandez, and were:

Ays—Mr. Speaker, Bannerman, Bird, Bryan, Fernandez, Fontane, Nunes, Priest, Smith, Taylor, Thigpin and Williams—12.

Nays—Messrs. Bell, Brown, Bush, Branch, Church, McKinnon, Miller, Mosely, Myers, Pent, Sadbury, Stephens and Steele—13.

The bill was then laid on the table.

The House went into Committee of the Whole, on the petition of Messrs. Thompson & Hagner—Mr. Bell in the Chair. After some time spent in consideration thereof, the Committee rose, reported said bill to the House, and asked to be discharged from the further consideration of said petition;

Which report was concurred in, and said petition laid on table.

The House went into Committee of the Whole, on a bill to be entitled, an act to provide for the appointment of a Commissioner to settle all Militia Claims, arising under any law of this Territory since the commencement of the war with the Seminole Indians, and for other purposes—Mr. Evans in the chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported said bill back to the House, and recommend, that it be referred to the Committee on Claims, with instructions report to thereon, on Monday next, or sooner;

Which report was concurred in, and the reference made accordingly.

A bill to be entitled, an act relating to the manner of bringing suits in the Courts of this Territory, and for other purposes, was laid on the table.

A Resolution in favor of S. J. Perry was read a third time, and unanimously adopted by the House.

A bill to be entitled, an act to authorise Executors and Administrators to sell Real Estate in certain cases, and to repeal certain acts therein mentioned, was laid on the table.

A bill to be entitled, an act for the relief of Benjamin G. Thornton, was postponed until to-morrow.

A bill to be entitled, an act amendatory to the several acts, incorporating the Central Bank of Florida, was read a third time, amended in the House as follows: "Be it further enacted, That all rights and privileges, under this amended charter, shall be forfeited, unless

a majority of the stockholders in said bank shall, within one year from the passage thereof, notify the Governor of this Territory of their acceptance of the modifications and restrictions herein contained.'"

Also; by changing the 3d section, so as to make it a forfeiture, both of the original charter and the present amendments, if the said bank shall ever fail to redeem its notes in specie;

Upon the question of the passage of said bill, the ays and nays were called by Messrs. Myers and Taylor, and were:

Aye—Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Bush, Branch, Church, Evans, McKinnon, Miller, Mosely, Sadbury, Stephens and Steele—14.

Nays—Messrs. Bell, Bird, Fontane, Myers, Nunis, Pent, Priest, Smith, Taylor Thigpin—10.

So said bill passed.

Title as aforesaid.

A bill to be entitled, an act to amend the charter of the Southern Life Insurance and Trust Company was read a third time;

Mr. Branch moved that the last proviso to said bill, which declares that the said corporation, "shall, by this amendment, surrender all right under the charter, to ask and demand any further issue of Territorial bonds from the Territory or State of Florida."

Upon this question the ays and nays were called by Messrs. Branch and Thigpin, and were:

Aye—Messrs. Bird, Brown, Branch, Church, Fontane, Mosely, Myers and Smith—8.

Nays—Mr. Speaker, Messrs. Bannerman, Bell, Bryan, Bush, Evans, Fernandez, McKinnon, Miller, Nunis, Pent, Priest, Sadbury, Stephens, Taylor, Thigpin and Williams—17.

So said motion was lost.

Mr. Fernandez moved that said bill be indefinitely postponed;

Upon this question the ays and nays were called by Messrs. Branch and Fernandez, and were:

Aye—Messrs. Bell, Bird, Evans, Fernandez, Fontane, Mosely, Nunes, Pent, Priest, Smith, Taylor, Thigpin and Williams—13.

Nays—Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Bush, Branch, Church, McKinnon, Miller, Myers, Sadbury and Stephens—12.

So said motion prevailed.

A Resolution in favor of John Wooten was read a second time;

Upon the question of the passage of this bill upon its second reading, the ays and nays were called by Messrs. Branch and Smith, and were:

Aye—Messrs. Bannerman, Bird, Brown, Bryan, Bush, Church, Evans, McKinnon, Miller, Myers, Pent, Sadbury, Stephens and Thigpin—14.

Nays—Mr. Speaker, Messrs. Branch, Fontane, Mosely, Priest, Smith and Steele—7.

So the resolution passed its second reading.

The ays and nays were then called on the question of the adoption of the resolution by Messrs. Williams and Smith—the rule being for that purpose waived—and were:

Ays—Messrs. Bannerman, Bird, Brown, Bryan, Bush, Church, Evans, McKinnon, Miller, Myers, Pent, Sadbury, Stephens and Thigpin—14.

Nays—Mr. Speaker. Messrs. Brauch, Fontane, Mosely, Preest, Smith, Steel and Williams—8.

So the resolution was adopted.

The House then went into secret session on Executive nominations;

After some time the door was opened.

A bill to be entitled, an act to amend the third section of an act entitled, an act to establish two terms of the Superior Court Columbia county, was read a second and third time, and passed;

Title as aforesaid.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, February 27th, 1841.

The House met pursuant to adjournment, and the journal of yesterday's proceedings was read.

Mr. Brown presented the petition of John D. Parish, praying payment of certain accounts, for supplies furnished the troops in the service of the Territory;

Which was referred to the Committee on Claims.

Mr. Smith offered the following Resolution :

Resolved, That the Committee on Banks be requested to call upon the Hon. Secretary of the Territory, and obtain from him the sums for which each piece of property is mortgaged to the Southern Life & Trust Company, and now in the Executive Office, in pledge for the guarantees obtained from the Territory; the names of the mortgagers; the dates of the mortgages, and the places in which said property is situated, and to report thereon to this House.

Mr. Brown moved that the Resolution be indefinitely postponed ;

Upon this question the ays and nays were called by Messrs. Smith and Williams, and were :

Ays—Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Bush, Branch, Church, Evans, McKinnon, Miller, Mosely, Myers, Pent, Sadbury, and Stephens—15.

Nays—Messrs. Bird, Fernandez, Fontane, Nunes, Priest, Smith and Thigpin—8.

So said motion prevailed.

Mr. Mosely moved that a bill, to be entitled, an act in relation to Executions and Decrees in Chancery, be reconsidered ;

Upon this question the ays and nays were called by Messrs. Smith and Thigpin, and were :

Ays—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Brown, Bryan, Bush, Branch, Church, Evans, McKinnon, Miller, Mosely, Myers, Nunes, Pent, Sadbury and Stephens—18.

Nays—Messrs. Fernandez, Fontane, Priest, Smith, Taylor, Thigpin and Williams—7.

So the motion prevailed.

Said bill was placed first among the orders of the day for to-day.

Mr. Branch, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, an act to change the name of Abraham Marshal Frotmon ;

Which was read three times and passed ;

Title as aforesaid.

Mr. Priest, from the Committee on Claims, made the following report :

The Committee on Claims have had the petition of Levi F. Mosher under consideration, and

REPORT :

They find that, Mr. Mosher was appointed Quarter Master of the Florida Militia by Gov. Call, on the 20th day of July, 1839, and served in that capacity five months, faithfully discharging the duties of his office. They have no hesitancy, then, in recommending the passage of the following act :

An act for the relief of Levi F. Mosher.

GABRIEL PRIEST, Chairman.

Which was read, and said bill read a first and second time. and ordered for a third reading on Monday next.

Mr. Bush made the following report :

The Committee on Enrolled Bills have directed me to

REPORT

as correctly enrolled :

A Resolution requesting the Delegate in Congress to urge upon that body the necessity and utility of erecting on Cape St. Blas a suitable light house ;

And an act to amend an act to incorporate the city of Pensacola, approved March 2d, 1839.

THOMAS M. BUSH. Chairman.

Mr. Myers, from the Committee on the Militia, made the following report :

The Committee on the Militia, to whom was referred so much of the Governor's Message, as relates to the Militia system of Florida, and to the conduct and prosecution of the Indian war, beg leave respectfully to

REPORT :

That they have had the same under consideration, and find from defects in the Militia laws, that they are regarded as a dead letter, and are no where enforced for the public security ; doubts exist in the minds of many whether any advantages result from the occasional training of the Militia. That branch of defence may be relied on in free governments. Under circumstances where an appeal may be made to the enthusiasm and patriotism of people, history is full of such examples: but it cannot be urged that the valor or efficiency of a militia man is at all increased, by the contemptible efforts at organization, made through the United States, and particularly in Florida. The hardy backwoods-man, accustomed to the use of his rifle, who has never attended the muster field, is as formidable, when called into actual service, as though trained in the unmeaning parades of our present system. In fact, the Militia laws in Florida are never observed. There is not a perfect, or even a half organization in any one Regiment in Middle or West Florida, with the exception of the Ninth Regiment, and the Committee would recommend a total repeal of the Militia laws, so far as connected with the peace establishment.

The conduct and operation of the Indian war, from its commencement to this date, have been characterised by inefficiency and mismanagement. Millions of treasure have been wantonly expended, the lives of our bravest soldiers have been uselessly sacrificed, and the character of our arms tarnished, by a time serving and ill digested policy. The repeated changes of the commanding officers—the disgraceful resort to treaties and temporary truces, have all contributed to this result. Had the government of the United States peremptorily required the first general officers in command, to have continued in Florida till the close of the war—had the Seminole been taught to know, that there was no alternative but death or removal—had a system of vigorous and retaliatory measures been constantly pursued—long before this, our suffering Territory would have been rid of her savage enemies. But instead of this result, the Seminoles are still unsubdued—the close of the war, to human foresight, is as far off as ever—a war, ruinous to the best interests of Florida, and profitable only to foreign speculators. The soldiers and subalterns of the regular army have always done their duty, when engaged in the field, but their lives and energies have been too much wasted in the camps.

The Militia who have been called into service, particularly in the early period of the war, met its dangers and responsibilities with alacrity and industry: but the uncertainty and inadequacy of their compensation, and the shortness of time for which they were enlisted, conspired to render their services less effective, for as soon as a corps were, through their discipline, and acquaintance with the country, rendered capable of offensive operations, they were disbanded, and their places supplied by raw and inexperienced recruits. It is an admitted maxim, in private and public economy, that "the laborer is worthy of his hire;" and though patriotism and glory are main stimulants in a soldier's career, still, he will be more patient under

fatigue and privation, if adequate remuneration be held out for his toil and danger.

Your Committee, under this view of the case, sympathising with our fellow citizens, exposed to Indian alarms, would recommend to the proper authorities, the enlistment of a corps of dragoons, *to serve during the war*, who should be liberally paid in money, and be entitled at the end of their service, to a donation each of a half section of unappropriated public lands. With such inducements, an effective number of Indian fighters might be raised, who would close the war, at less expense to the Government, than, as experience has proved, can be done in any other way. Five years have passed over since the commencement of this disastrous and disgraceful war, and the bleeding interests of Florida, the national honor, and the national weal, alike demand that it should be closed. A strong incentive to active operations, is to be found in the peculiar and exposed condition of Florida. Connected with the threatening aspect of our foreign affairs, with a sea coast, equal to one-third of that of the whole Union, open to foreign invasion, within a day's sail of the black regiments of Jamaica, whose landing on our shores would be the signal of a servile insurrection. Florida would have enough to contend against, without adding to her alarm and embarrassments, the more daring incursions of the Seminole, stimulated by revenge, and encouraged by foreign aid and protection. Our situation, now unsafe and precarious, would then be beyond relief; and to guard against a contingency so likely to arise, the cool wisdom, and strong arm of government, is invoked, with a clear conviction, that the mode above suggested, would contribute more speedily to a termination of the war, than any, and all the schemes heretofore adopted.

ROBERT MYERS, Chairman.

Which was read.

The resolution reported by the Committee on the State of the Territory, on the 22d instant, was read;

Mr. Smith proposed the following amendment: "together with the Report of the minority of said Committee; and the protest signed by a minority of the House;"

Upon the adoption of this amendment, the ays and nays were called by Messrs. Smith and Priest, and were:

Ays—Messrs. Brown, Evans, Fernandez, Fontane, Myers, Priest, Smith and Thigpin—8.

Nays—Mr. Speaker, Messrs. Bannerman, Bell, Bryan, Bush, Branch, Church, McKinnon, Miller, Mosely, Pent, Sadbury, Stephens, Steele and Taylor—15.

The amendment was accordingly lost.

Upon the question of the adoption of the Resolution, the ays and nays were called by Messrs. Thigpin and Priest, and were:

Ays—Mr. Speaker, Messrs. Bannerman, Bell, Bryan, Branch, Church, McKinnon, Miller, Mosely, Sadbury, Stephens, Steele and Taylor—13.

Nays—Messrs. Brown, Bush, Evans, Fernandez, Fontane, Myers, Pent, Priest, Smith and Thigpin—10.

So the resolution was adopted,

The House received from the Senate a memorial to Congress, on the subject of the exposed state of the sea board of Florida ;

Which was referred to the Committee on the State of the Territory.

A bill to be entitled, an act in relation to Executions and Decrees in Chancery, was read a third time ;

Mr. Stephens moved that it be laid on the table ;

Upon this motion the ays and nays were called by Messrs. Stephens and Sadbury, and were :

Ays—Mr. Speaker, Messrs. Bannerman, Brown, Bush, Church, McKinnon, Miller, Myers, Sadbury and Stephens—10.

Nays—Messrs. Bell, Bird, Bryan, Branch, Evans, Fernandez, Fontane, Mosely, Nunes, Pent, Priest, Smith, Taylor and Thigpin—14.

So the motion was lost.

Mr. Fernandez moved that said bill be indefinitely postponed.

Upon this motion the ays and nays were called by Messrs. Smith and Stephens, and were :

Ays—Messrs. Bannerman, Bell, Bird, Bryan, Branch, Evans, Fernandez, Fontane, Mosely, Nunes, Pent, Priest, Smith, Taylor, Thigpin and Williams—16.

Nays—Messrs. Brown, Bush, Church, McKinnon, Miller, Myers, Sadbury and Stephens—8.

The motion accordingly prevailed.

A bill to be entitled, an act to incorporate the bank of Tallahassee, was read a third time ;

Mr. Williams moved that it be indefinitely postponed.

Upon this motion, the ays and nays were called by Messrs. Fernandez and Williams, and were :

Ays—Messrs. Bell, Bird, Bush, Fernandez, Fontane, Miller, Nunes, Pent, Priest, Smith, Steele, Taylor, Thigpin and Williams—14.

Nays—Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Branch, Evans, McKinnon, Mosely, Sadbury and Stephens—10.

So the motion prevailed.

A bill to be entitled, an act to amend the Charter of the Tallahassee Rail Road Company, was read a second and third time, and put upon its passage :

The ays and nays were called on this question by Messrs. Fernandez and Bannerman, and were—

Ays—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Bush, Branch, Church, Evans, McKinnon, Miller, Mosely, Nunes, Pent, Sadbury and Stephens—16.

Nays—Messrs. Bird, Fernandez, Fontane, Priest, Smith and Taylor—6.

So said bill passed ;

Title as aforesaid.

A bill to be entitled, an act for the relief of Benjamin G. Thornton, was postponed until Monday next.

The House went into Committee of the Whole, on a bill to be entitled, an act in addition to the several acts now in force, establishing

County Courts—Mr. McKinnon in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported progress, and asked leave to sit again ;

Which report was agreed to ;

Mr. Stephens moved that the said bill be indefinitely postponed ;

The ays and nays were called on this question by Messrs. Branch and Stephens, and were—

Ays—Messrs. Bird, Bush, Church, Fernandez, Fontane, McKinnon, Miller, Nunes, Priest, Sadbury, Smith, Stephens, Taylor, Thigpin and Williams—15.

Nays—Mr. Speaker, Messrs. Bell, Brown, Branch and Mosely—5.

So the motion prevailed.

The House then adjourned until Monday next, 12 o'clock.

MONDAY, March 1st, 1841.

The House met pursuant to adjournment, and the journal of last Saturday's proceedings was read.

Mr. Thigpin offered the following Preamble and Resolutions :

WHEREAS, The great privileges and powers granted to sundry corporations of this Territory, by former Legislative Councils, have been called to the attention of the Senate of the United States, the Judiciary Committee of which have suggested the propriety of a modification of the same, and that sundry restrictions be placed on the said corporations : **And WHEREAS**, sundry other powers, granted to the same, and to the Union Bank of Florida, have been found to operate injuriously to the interests of the people of this Territory : **And WHEREAS**, in similar corporations created in the United States, it has been found expedient and necessary, and eminently conducive to the public weal, that sundry restrictions should be placed on such corporations, which restrictions, through the improvidence of the Legislative Council, were omitted in the grant of powers to the said corporations.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to obtain from that body such modifications of the said grant of power, and such restrictions on the said corporations, as shall be most conducive to the welfare of the people of this Territory, comport with the increasing knowledge of the country relative to Banking Corporations, and be in accordance with justice and right.

Be it further Resolved, That a copy of these resolutions be sent to the President of the Senate, and to the Speaker of the House of Representatives of the Congress of the United States, and to the Chairman of the Judiciary Committee of both Houses, and to our Delegate in Congress.

Which was read.

Mr. Thigpin, (without previous notice,) obtained leave to introduce a bill, to be entitled, an act to repeal an act to amend the 45th and 46th sections of an act, relating to crimes and misdemeanors, approved February 10th, 1832;

Which was read, and ordered for a second reading on to-morrow.

The Committee on Claims, to which was referred the petition of **John D. Parish & Co.**, reported, "That from the vouchers accompanying the petition, they have no doubt but that the claim is just; they recommend the adoption of the following bill." viz. a bill to be entitled, an act for the relief of **John D. Parish & Co.**;

Which was read, and ordered for a second reading on to-morrow.

Mr. Priest, from same committee, made a report to the House, which was read;

Mr. Brown moved that the report of the committee be recommitted to them;

Upon this motion the ays and nays were called by **Messrs. Brown and Duval**, and were:

Ays—**Mr. Speaker**, **Messrs. Bannerman, Bell, Bird, Brown, Bush, Bryan, Church, Evans, Fernandez, Fontane, Miller, Mosely, Myers, Pent, Priest, Sadbury, Stephens, Taylor, Thigpin.**—20.

Nays—**Messrs. Smith and Williams.**—2.

So the motion prevailed.

The committee reported to the House a bill to be entitled, an act to provide for the appointment of a Commissioner to settle all Militia Claims arising under any law of this Territory, since the commencement of the war with the Seminole Indians, and for other purposes;

Which report was received.

Mr. Thigpin moved that said bill be indefinitely postponed;

Upon this question the ays and nays were called by **Messrs. Thigpin and Smith**, and were,

Ays—**Messrs. Bird, Evans, Fernandez, Fontane, Priest, Smith and Thigpin.**—7.

Nays—**Mr. Speaker**, **Messrs. Bannerman, Bell, Brown, Bush, Bryan, Branch, Church, Duval, McKinnon, Miller, Mosely, Myers, Pent, Sadbury, and Stephens.**—16.

So the motion was lost

Mr. Mosely then moved that said bill be recommitted to the Committee on Claims;

Upon this motion the ays and nays were called by **Messrs. Brown and Duval**, and were:

Ays. **Mr. Speaker**, **Messrs. Bannerman, Bell, Bird, Bryan, Branch, Fernandez, Fontane, Miller, Mosely, Priest, Smith, and Thigpin.** 14.

Nays. **Messrs. Brown, Bush, Church, Duval, Evans, McKinnon, Myers, Pent, Sadbury and Stephens.** 10.

So the motion prevailed.

Mr. Duval, from the select committee to which was referred the petition of **R. C. Ragland**, made the following report:

The Select Committee, to which was referred the petition of **Rane C. Ragland**, have had the same under consideration, and after a full examination into the merits of the same, beg leave to

REPORT,

That they are of opinion, that the prayer of the petitioner is reasonable, and ought to be granted, and accordingly report the following resolution.

A. F. DUVAL, Chairman.

Resolved by the Governor and Legislative Council of the Territory of Florida, That the fine and imprisonment adjudged against Rane C. Ragland, by the Judge of the Superior Court of Leon County, for the Middle District, at the Fall Term of the said Court for 1840, be and the same is hereby remitted, on the said Ragland paying all costs and charges.

Which was read, and ordered to be placed among the orders of the day.

The Senate sent back to this House a bill entitled, an act to incorporate the Hamilton Academy, in the County of Hamilton, as having passed that body, with the title amended, by striking out the word "the" before the word "Hamilton;"

Which amendment was concurred in by the House.

Also an act to incorporate the Cherry Lake Academy, in the county of Madison, as having passed that body. The title was amended by striking out the word "the" before the word "Cherry."

Which amendment was agreed to by the House.

His Excellency the Governor, transmitted to the House the following communication:

EXECUTIVE DEPARTMENT,
Tallahassee, 1st March, 1841.

To the Legislative Council of Florida:

I respectfully inform you that I have approved the following acts of the Legislature.

1. An act to repeal an act entitled, an act in relation to Jurors in the Southern District, and for other purposes.

2. A Preamble and Resolution relative to the late James W. Exam, late Marshal of West Florida.

ROBERT RAYMOND REID.

Which was read.

The House went into committee of the whole on a bill to be entitled, an act for the relief of Benj. G. Thornton. Mr. Thigpin in the chair—after some time spent in consideration thereof, the committee rose, and by their chairman, reported said bill to the House amended;

Which report was agreed to, said bill read a second time, and ordered for a third reading on to-morrow.

A bill to be entitled, an act for the relief of Levi F. Mosher, was read a third time and passed. Title as aforesaid.

Mr. Stephens, without previous notice, obtained leave to introduce a bill to be entitled, an act to alter and amend the several acts now in force, respecting Judicial proceedings, and those respecting appeals and writs of error in civil cases;

Which was read by its title, the rule being waived, and ordered for a third reading on to-morrow.

The Senate transmitted to this House, a bill to be entitled, an act to

secure to the people of this Territory a sound currency. With a communication informing the House that the Senate adheres to its amendments to said bill.

The House then adjourned until to-morrow morning 11 o'clock.

TUESDAY, March 2, 1841.

The House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Brown presented the petition of Wm. P. Duval, Esq., Which was referred to the Committee on Claims.

He also presented the petition of R. K. Call, late Governor of Florida;

Which was referred to a select committee,—Messrs. Brown, Fontane and Evans, were appointed said committee.

Mr. Priest made the following report:

The Committee on Claims, to whom was referred "a bill to be entitled an act to provide for the appointment of a Commissioner to settle all Militia claims arising under any law of this Territory," &c., &c., have carefully considered the same, and beg leave to

REPORT:

That the duties prescribed for the Commissioner proposed to be appointed, more properly belong to the Governor. By the Organic Law he is made Commander-in-Chief of the Militia, and as such, has his Adjutant, Pay-Master, &c. It is equally his duty to call out the Militia when necessary, and to superintend the payment of the troops thus called out by his order; and also to see that forage and subsistence is not only provided, but paid for. To enable him to do this, a staff, composed of proper officers, is allowed him. Why, then, should those duties, assigned to, and properly belonging to, officers already selected and appointed, be taken from them, and transferred to a special Commissioner? Why make the Governor Commander-in-Chief, and permit him a staff, if the duties, for the performance of which the members of this staff were appointed, are to be assigned to others? To divest him, and thereby his staff of these duties and privileges, would interfere with the powers delegated to the Governor, and render that clause of the Organic law, making him Commander-in-Chief, wholly nugatory.

The Committee believe the provisions above entirely too much ground. The duties of the Commissioner to be appointed under this act, would clash with those prescribed for the United States officer, now in this city, who has been sent here to inquire into all claims which have arisen to the Militia, prior to their being mustered into the service of the United States: and also into all claims for forage and

subsistence furnished the said Militia. The bill proposing the appointment of a Commissioner, contemplates and would embrace these claims. The appointment of a Commissioner, at this time, on the part of the Territory, to perform the same duties, would be not only useless, but treating the efforts of the Secretary at War, in behalf of the sufferers in this Territory, with want of confidence and respect. It would also produce confusion, and thereby retard the settlement of many debts and claims which should have been long since liquidated. The Committee are further of opinion that, the appointment of a special Commissioner is not only useless, but highly extravagant; the salary of this officer would be another burthen upon an empty and greatly embarrassed treasury; the services to be rendered, can be obtained without this expense, by calling upon the appropriate military officers already appointed. The committee are, moreover of opinion, that the object of this bill would be defeated, by the clause requiring the proposed commissioner to keep his office in Tallahassee. Most of the claims have arisen in a section of the Territory, two or three hundred miles distant from the location of the commissioner; the poor claimant, residing east of the Suwannee, would be at too great an expense, both of time and money; this expense would cause many, especially the poor, to sacrifice their just claims, and produce, in many cases, a total abandonment of them; the person authorized to settle these claims, should go where they have generally arisen; the claimant should be required to undergo no more privations.

The tardy action of the Territory and General Government, in settling them, has already been an unjust and onerous tax.

Regarding the bill referred to as useless and unnecessary, and the chief effect of it as being only to create a new office, the committee report the same to the House, with all of it except the enacting clause stricken out, and the annexed bill as a substitute therefor.

GABRIEL PRIEST, Chairman.

Which was received, and fifty copies of all the documents therewith connected, ordered to be printed.

Mr. Smith, from the Committee on the State of the Territory, made the following report:

The Committee on the State of the Territory, to whom was referred the Memorial of the Legislative Council of Florida, with accompanying documents, relative to the defenceless condition of the Florida sea-board,

REPORT

The said memorial to the House without amendment, concurring in the views expressed in said memorial, and recommending the early and serious attention of Congress to the matter therein set forth,

Which was read and concurred in.

Mr. Bush made the following

REPORT :

The Committee on Enrolled Bills have directed me to report as correctly enrolled,

An act to incorporate Cherry Lake Academy, in the county of Madison.

THOS. M. BUSH, Chairman
Committee on Enrolled Bills.

Mr. Brown, from the Committee on Banks, to which was referred a bill to be entitled, an act to regulate the banks of Florida, and to compel their resumption of specie payments, reported said bill to the House without amendment ;

Which report was agreed to and said bill laid on the table.

Mr. Duval made the following report :

The Select Committee to whom was referred a certain resolution requesting them to make inquiry, and report to this House, what auctioneer have failed to make return of sales, at auction, for the last year, as is required by law, and what amount of sales have been so made, and not accounted for, beg-leave to

REPORT :

That they have not been able to make all the enquiries contained in said resolution, in consequence of the extent of the district of country they occupy ; but would recommend the following bill, and ask to be discharged from the further consideration of the subject submitted to them.

All of which is respectfully submitted.

A. F. DUVAL, *Chairman.*

A BILL

To be entitled, an act to compel Auctioneers to pay over the amount due to the Territory, for Auction fees, and not accounted for by them, and for other purposes.

Section 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the Auditor of public accounts be directed to transmit to the several district attorneys, of this Territory, the names of all auctioneers in their several districts, who have failed to make returns of the amount of auction sales made by them during the last year, as is required by law.

Sec. 2, *Be it further enacted,* That it shall be the duty of the District Attornies, on the receipt of the Auditors report, to make diligent enquiry of the amount of sales, made by each Auctioneer, in their respective districts, during the past year, having ascertained the amount of any such sales, and the same not accounted for, it shall then be the duty of the district attornies, to cause suits to be brought against all such defaulting auctioneers, together with their securities, for the amount that may be due the Territory for such

auction sales, and on the rendition of judgment, such auctioneer and their securities, shall pay, in addition to the Territory, twenty per cent on the amount of the judgment rendered.

Sec. 3. *Be it further enacted,* That in case any auctioneer shall fail to return to the district attorney, when called on, a fair statement of the amount of their sales, they shall be subject to indictment; and on conviction, fined in a sum not exceeding one thousand dollars, at the discretion of the court.

Sec. 4. *Be it further enacted,* That the Judges of the Superior Courts of this Territory, shall give this act in charge to the Grand Jury.

Which was read and fifty copies ordered to be printed,

The House received from the Senate the following bill, originating in this House as having received the concurrence of that body, viz:

An act to incorporate the Tampa Bay and St. Johns Rail Road Canal and Steamboat Company.

A bill to be entitled, an act to incorporate the Iola and St. Joseph Canal and Rail Road Company.

A bill to be entitled, an act to change the name of Abraham Marshall Trotmon.

A bill to be entitled, an act giving the right of lien to shipwrights material men, &c., in this Territory, and

An act to repeal the 4th section of an act, entitled, an act to amend an act passed January 31, 1838, entitled, an act to incorporate the City of Apalachicola, approved March 2d, 1839,

Also the following bill as having been rejected by the Senate, viz:

A bill to be entitled, an act regulating the fees of Jailors in this Territory.

The resolutions offered on yesterday by Mr. Thigpin, were read a second time. Upon the question of the passage of these resolutions, on the second reading, the Ays and Nays were called by Messrs. Thigpin and Williams, and were,

Ays.—Messrs. Bell, Bird, Branch, Evans, Fernandez, Fontane, Priest, Smith and Thigpin—18.

Nays.—Mr. Speaker, Messrs. Bannerman, Brown, Bush, Bryan, Church, Duval, McKinnon, Miller, Myers Pent, Sadsbury, and Stephens—13.

So the resolution was lost.

A bill to be entitled, an act for the relief of John D. Parish & Co., was read a second and third time, and passed;

Title as aforesaid.

A bill to be entitled, an act for the relief of Benjamin G. Thornton, was laid on the table.

A bill to be entitled; an act to alter and amend the several acts in force respecting Judicial proceedings, and those respecting appeals and writs of error in civil cases, was read a second time.

Mr. Stephens offered the following amendment:

Which was adopted.

The bill was then put upon its third reading, the rule being waived;

the ays and nays were called on this question by Messrs. Bell and Thigpen, and were:

Ays. Mr. Speaker, Messrs. Bannerman, Bird, Brown, Bush, Church, Duval, Fernandez, Fontane, Miller, Myers, Pent, Priest, Sadbury and Stephens. 15.

Nays. Messrs. Bell, Branch, Evans, McKinnon, and Smith: 5.

So said bill passed;

Title as aforesaid.

Mr. Branch moved that the bill for the relief of Benjamin G. Thornton be taken from the table, and placed among the orders of the day;

Which motion was lost.

The House then adjourned until this evening, 4 o'clock.

FOUR O'CLOCK P. M.

The House met pursuant to adjournment.

Mr. Branch made a report to the House of the several items of the compensation bill;

Which report was, on motion, laid on the table, with permission to the Chairman to draw up a bill on said subject;

On this question the ays and nays were called by Messrs. Williams and Bird, and were:

Ays. Mr. Speaker, Messrs. Bannerman, Brown, Bush, Bryan, Branch, Church, Duval, Evans, Fernandez, Fontane, McKinnon, Miller, Myers, Pent, Priest, Sadbury, Smith and Stephens. 19.

Nays. Messrs. Bell and Williams. 2.

The House appointed Messrs. Stephens and Bannerman a committee on their part, to confer with Messrs. Livingston and Pelot, a committee of the Senate, on the accounts and vouchers of R. K. Call, late Governor of Florida;

The Senate transmitted to this House, as having passed that body, a bill to be entitled, an act for the relief of Jabez B. Bull and Patrick Kerr;

Which was read, and ordered for a second reading on to-morrow;

Also, the following bill originating in this House, as having passed that body, viz. an act to amend the charter of the Tallahassee Rail Road company.

The House went into Committee of the Whole, on a Report and Memorial from the Senate, relative to the exposed state of the sea board of Florida, and recommending the establishing of a Naval Station at St. Joseph—Mr. McKinnon in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported the same to the House without amendment;

Which report was received;

Upon the question of the adoption of said Memorial, the ays and nays were called by Messrs. Myers and Stephens, and were—

Ays: Mr. Speaker, Messrs. Bird, Brown, Bush, Bryant, Branch, Fernandez, McKinnon, Miller, Pent, Priest, Smith, and Williams. 13.

Nays. Messrs. Bannerman, Church, Duval, Evans, Myers, Sadbury and Stephens. 7.

So the memorial was adopted.

His Excellency the Governor transmitted to the House the following communication—

EXECUTIVE DEPARTMENT, }
Tallahassee, 2d March, 1841.

To the Legislative Council of Florida:

I respectfully inform you that I have approved the following acts of the Legislature:

1. An act to incorporate the Monticello Rail Road Company.
2. An act to incorporate the City of Port of Leon.
3. An act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida.
4. An act to amend an act entitled, an act to incorporate the City of Apalachicola.
5. A resolution relative to granting the franking privilege to the Governor of Florida.

ROBERT RAYMOND REID.

Mr. Bush made the following report—

Mr. Bush from the Committee on Enrolled Bills reported as correctly enrolled:

An act to incorporate Hamilton Academy in the county of Hamilton.

An act to change the name of Abraham Marshall Trotman, to that of Abraham Marshall Cason.

An act to repeal the 4th section of an act entitled, an act to amend an act to incorporate the City of Apalachicola, approved March 2d, 1839.

The House then adjourned until to-morrow morning, 10 o'clock

WEDNESDAY, March 3, 1841.

The House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

The Senate transmitted to this House, a bill entitled, an act to amend an act entitled, an act concerning the appointment and jurisdiction of Justices of the Peace, as indefinitely postponed.

Mr. Duval offered the following resolution:

WHEREAS, at the fall term of the Leon Superior Court, 1840,

Rane C. Ragland was indicted and convicted of the offence of gambling, and was sentenced by the Court, to pay a fine of one thousand dollars, and to be imprisoned for the term of six months, and

Whereas, in the opinion of this Legislature, the said punishment is disproportioned to the offence.

Be it therefore resolved, That this Legislature, without infringing upon the prerogatives of the Executive, do respectfully recommend the Governor of this Territory, to remit the judgement of the said court, so far as relates to the imprisonment of the said Ragland, and that a copy hereof, signed by the proper officers of this Legislative Council, be sent to his Excellency Governor Reid.

Which was laid on the table.

Mr Priest made the following report :

The Committee on Claims, to whom was referred the petition of Wm. P. Duval, assignee of John P. Duval, have the honor to

REPORT :

That they have not had time to refer to any evidence in support of the petition of the said Duval, but they have no doubt that the allegations set forth by the petitioner are true.

Your committee does not know that it has been usual to allow interest on claims against the Territory or the Tallahassee Fund, but in order to quiet the claim of the petitioner, the committee respectfully submits the following resolution to the consideration of the House.

GABRIEL PRIEST, *Chairman.*

Resolved by the Governor and Legislative Council of the Territory of Florida, That the Commissioner of the Tallahassee Fund, allow to Wm. P. Duval, assignee of John P. Duval, lawful interest on seven hundred and fifty dollars, from the passage of a resolution in favor of the said Duval, for the said sum; in the year 1836, up to the sale of the lots of the Tallahassee fund, in the spring of the year 1840.

Which was received and concurred in, and said resolution read and ordered for a second reading on to-morrow.

Mr. Brown from the Committee on Banks made the following

REPORT :

The Committee on Banks having reported upon all the subjects referred to their consideration, at the present session of the Legislative Council, except "so much of the Governor's message, as relates to the Currency, and condition of the Florida Banks," and "so much of the presentment of the Grand Jury in, and for, the Counties of St. John's and Musquito, as relates

to the present condition of the banks of Florida," beg leave to call the attention of the House of Representatives, to the Report which they had the honor to present on the Resolutions, instructing them to make certain inquiries into the affairs of the Southern Life Insurance and Trust Company; and their Report on the memorial of the President and Directors of the Union Bank of Florida; which Reports your Committee believe, cover the whole ground of inquiry, and furnish in their opinion, all the information, which is needful to be known, in relation to the condition of those two Institutions.

Your Committee, before they close their labors, beg leave to remark, that they have carefully, and diligently examined, the Reports and Statements of the Union Bank of Florida, and the Southern Life Insurance and Trust Company, and have availed themselves of all the aid and assistance, which was politely and freely tendered them, by the officers of these Banks: and have come to the conclusion, that the fullest confidence may be placed in their ability to discharge, all their liabilities to the public, with a little time and forbearance. That it appears they have reduced their circulation more than one-half of what it was when the general suspension occurred; and indeed, that all the paper they have now afloat, could be taken in by the accruing interest alone, for the current year.

Of the condition of the Bank of Pensacola, (the only other Bank now in operation in this Territory,) your Committee are unable to express an opinion, as no report from that Bank has been laid before them, and its location is too remote from the capitol, for your Committee to obtain any information in regard to its affairs, during the present session of the Legislative Council.

And finally, as it regards the condition of our currency and exchange—of the *causes* or the *remedies*, your committee, are admonished, amid the clashing of opinions upon these interesting subjects, which have so distracted the public mind, to refrain from any attempt at an exposition, least they "render confusion worse confounded;" but leave the solution to that great regulator, time—with this single remark, that the recent abortive attempt of the Banks, south of the Hudson, under Legislative coercion, to resume specie payments, establishes the fact incontestably, that the direful evils we complain of, are not exclusively the result of *Florida Banking*, nor are they to be cured entirely by *Florida Legislation*.

THOS. BROWN, Chairman.

Which was received by the House.

Mr. Branch from the Committee on Compensation made the following report:

The Committee on Compensation beg leave to

REPORT :

That they have examined the accounts presented them by various persons against the United States, for services rendered and articles furnished the present Legislative Council ; as also several accounts for services rendered to the last Legislative Council remaining unpaid.

By the compensation bill, herewith reported, it will be seen that the expenses of the Legislative Council are becoming, if they have not already become, unusually and unnecessarily large. The aggregate of the sums to be appropriated, together with the pay of the members, amount to about thirty-two thousand dollars. It is true, that many of the accounts passed by the Committee, and incorporate in the compensation bill, are for services rendered to the last Legislative Council. It is also true, that the expenses of this session have been increased, by the necessity of buying furniture, and other articles for the new capitol, a part of which has been occupied by the Council at its present session. The committee are nevertheless of the opinion, that a spirit of extravagance, a disregard of economy, has crept into our expenditures, which should be checked. The appropriations made by Congress, will not be sufficient, or scarcely so, to meet the appropriations called for by the bill herewith reported.

The committee feel it their duty to call attention to the amount expended for stationary, averaging for each member nearly *eighty* dollars. They recommend that a resolution may be adopted, making it obligatory upon merchants and others, to ensure payment, to keep the account of each member separately ; distinctly setting forth each article purchased by him, and requiring the committee on compensation to reject all accounts not thus clearly and distinctly made out. Great imposition might be practised on the Government, if the present loose way of doing business is not discontinued.

The committee would also suggest the propriety of having only the most important papers and documents printed. It has been usual to order much to be printed, which was but of little importance. By exercising a prudent discrimination on this subject, the expenses of the Council could be materially lessened.

The committee have also had under consideration, and examined an Index, prepared by John P. Duval, for the compilation of the laws made by him. They recommend that an appropriation be made for purchasing and publishing the same. It would be a valuable addition to the compilation heretofore published.

They have also had under consideration a compilation of the Private Acts and Resolutions of this Territory, prepared by the same gentleman, of which they are unable to give an opinion, but would most respectfully refer it to the Legislative Council.

The committee herewith report a bill, to be entitled, an act to provide for the compensation of the officers of the Council, and for other purposes.

Which report was received, said bill read and placed among the orders of the day for a second reading.

Mr. Bush made the following report :

The Committee on Enrolled Bills have directed me to report as correctly enrolled.

An act giving the right of lien to shipwrights material men, &c., in this Territory.

THOMAS M. BUSH, *Chairman*
Committee on Enrolled Bills.

A bill to be entitled, an act to prevent the stealing of neat cattle (a substitute of the Senate for a bill of the House) was passed by the House. Title as stated.

A bill entitled, an act to provide compensation to persons saving impaired cotton, (passed by this House) was sent from the Senate as having passed that body without amendment to the body of the bill.

The title was amended so as to read,

An act to provide compensation to persons saving wrecked and damaged cotton.

The amendment was agreed to.

The Senate transmitted to this House as having received the concurrence of that body ;

A bill to be entitled, an act to encourage the destroying of wolves, in the Territory of Florida.

Also a resolution in favor of John Wooten, as indefinitely postponed.

Mr. Brown offered the following resolution :

Resolved, That it is proper that each member of This House, who has not obtained leave of absence, should remain in their seats during the session of this House, and should not withdraw without leave from the Chair first obtained.

Which was laid on the table.

The following message was received on yesterday from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 1, 1841. }

To the Legislative Council of Florida :

I venture to express the hope that at the present session of the Council, a proper provision will be made for the payment of the Private Secretary of the Governor, for the present year. It is impossible that the business of the department can be properly transacted without the assistance of such an officer.

ROBERT RAYMOND REID.

The Senate transmitted to this House, certain resolutions passed by that body, relative to the payment of certain troops under command of Col. Brown, and Major Garrason ;

Which were received and placed among the orders of the day for to-day.

Also the following :

Be it resolved by the Governor and Legislative Council of the Territory of Florida. That from and after the adoption of this resolution, the revenue laws of this Territory shall be suspended so far as they may authorise the assessment and collection of a Territorial revenue for the present year, and no further, *Provided*, That the operation of this resolution, shall not be construed to extend to upon auction sales, retailers of spirituous liquors, keepers of billiard tables, exhibitors of public shows, and peddlers, or to prohibit the assessment and collection of county taxes, as is provided for by the existing laws.

Be it further enacted, That from and after the adoption of this resolution, the Marshals and District Attornies, of the respective Judicial Districts, be instructed, in making out their accounts against the United States for the expenses attended upon the administration of the laws, to embrace in the same, such as may occur, in consequence of the apprehension, safe keeping and prosecution of criminals, and the several Judges are respectfully requested to certify the same, it being the deliberate opinion of the Legislative Council, that they constitute a legitimate charge against the United States.

Which were read. Upon the question of their adoption the Ays and Nays were called by Messrs. Evans and Priest, and were,

Ays.—Messrs. Bannerman, Bell, Bird, Brown, Bryan, Branch, Church, Duval, Fernandez, Fontane, Miller, Pent, Priest, Sadbury, Smith, Stephens and Williams—17.

Nays.—Mr. Speaker, Messrs. Evans, and Myers—3.

So the resolutions were adopted.

The Senate also sent a resolution requiring the Auditor to report to the Legislative Council at each session, all officers of this Territory, who fail to pay over the revenue collected by them, and also to rigidly enforce the laws against such defaulters.

Upon the adoption of these resolutions the Ays and Nays were called by Messrs. Smith and Fontane, and were,

Ays.—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Branch, Church, Duval, Evans, Miller, Myers Pent, Sadbury, and Stephens,—14.

Nays.—Messrs. Bird, Fernandez, Fontane, Smith, and Williams—5.

So the Resolutions were adopted.

Upon the passage of the last mentioned Resolution, the following Protest was made:

PROTEST.

We, the undersigned, PROTEST, against the passage of the above Resolutions, to enforce the collection of arrearages of

Territorial Revenue, passed this day by this body; inasmuch as there were less than a quorum of the members present, which we conceive to be a number not less than two-thirds, according to the sense of the Organic Law, and the uniform practice of the Territorial Legislature: And as well do we **PROTEST** against all future action of this House, as illegal, until a sufficient and proper number shall appear present.

BUCKINGHAM SMITH, of St. Johns;
JOHN M. FONTANE, "
STEPHEN D. FERNANDEZ, of Duval;
GABRIEL PRIEST, "
EDWD. BIRD, of Alachua,
W. H. WILLIAMS, of Musquito.

The Senate transmitted to this House as having passed that body, a bill to be entitled, an act supplementary to the act approved on the 8th day of February, 1838, entitled, an act to incorporate the Tropical Plant Company of Florida.

Mr. Williams moved that this House do now adjourn until tomorrow morning ten o'clock.

Upon this motion the Ays and Nays were called by Messrs. Williams and Fernandez, and were,

Ays.—Messrs. Bell, Bird, Fernandez, Fontane, Priest, Smith, and Williams—7.

Nays—Mr. Speaker, Messrs. Bannerman, Brown, Bryan, Branch, Church, Duval, Evans, Miller, Myers, Pent Sadbury and Stephens—13.

So the motion was lost.

Mr. Smith offered the following resolution:

Resolved, That two thirds of the Members of this House, constitutes a quorum and not a less number, and this by the indentment of the organic law, and the uniform practice of the Legislative Council.

Mr. Stephens offered the following as a substitute therefor:

Resolved, As the sense of the Representative branch of the Legislative Council of Florida, that a majority of the members elected to said branch, (excluding those who are absent by leave) constitute a quorum for the transaction of Legislative business.

Upon the question of receiving the said last resolution as a substitute for the one offered by Mr. Smith, the Ays and Nays were called by Messrs. Smith, and Williams, and were,

Ays.—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Church, Duval, Myers, Pent, Sadbury and Stephens—11.

Nays—Messrs. Bird, Branch, Evans, Fernandez, Fontane Miller, Priest, Smith and Williams—9.

So the substitute was received.

Upon the question of the adoption of the Resolution, as sub-

stituted, the ays and nays were called by Messrs. Smith and Fernandez, and were:

Ays—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Branch, Church, Duval, Miller, Myers, Pent, Priest, Sadbury and Stephens—14.

Nays—Messrs. Bird, Evans, Fernandez, Fontane, Smith and Williams—6.

Upon a motion to go into Committee of the Whole, on a bill to be entitled, an act to repeal an act, entitled, an act to amend the 45th and 46th sections of an act relating to crimes and misdemeanors, approved Feb. 10, 1832;

The ays and nays were called by Messrs. Fernandez and Williams, and were:

Ays—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bryan, Branch, Church, Duval, Miller, Pent, Priest, Sadbury and Stephens—14.

Nays—Messrs. Evans, Fernandez, Fontane, Smith and Williams—5.

So the House went into Committee on said bill—Mr. Stephens in the Chair. After some time spent in consideration thereof, the Committee rose, and reported the bill back to the House, without amendment;

Which report was concurred in;

Mr. Stephens then moved that said bill be indefinitely postponed;

Upon this question the ays and nays were called by Messrs. Duval and Miller, and were:

Ays—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Branch, Church, Fernandez, Fontane, Miller, Pent, Priest, Smith and Stephens—13.

Nays—Messrs. Brown, Duval, Myers and Sadbury—4.

So the motion prevailed.

The Report of the Committee on Banks, relating to the memorial of the President and Directors of the Union Bank of Florida, was taken from the table, and read.

A bill to be entitled, an act to repeal the 34th section, and the last clause of the 9th section of the Union Bank of Florida, was read, and placed first among the orders of the day for to-morrow, for its second reading;

Mr. Fernandez moved that the House do now adjourn, until to-morrow morning, 10 o'clock;

Upon this motion the ays and nays were called by Messrs. Fernandez and Fontane, and were:

Ays. Messrs. Bell, Bird, Evans, Fernandez, Fontane and Smith. 6.

Nays. Mr. Speaker, Messrs. Bannerman, Brown, Bush,

Branch, Church, Duval, McKinnon, Miller, Myers, Pent, Priest, Sadbury and Stephens. 14.

So the motion was lost.

The House then adjourned until this evening 4 o'clock.

FOUR O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Bush made the following report:

The Committee on Enrolled Bills have directed me to report as correctly enrolled;

An act to provide compensation to persons saving wrecked and damaged cotton.

An act to amend the charter of the Tallahassee Rail Road Company.

An act to encourage the destroying of Wolves in the Territory of Florida.

An act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company.

THOS. M. BUSH,

Chairman Com. on Enrolled Bills.

His Excellency the Governor transmitted to the House the following communication:

To the Honorable the Legislative Council of Florida:

I return the "act relative to public elections," with the following objections:

The 8th section declares, "that no officer, soldier, seaman or marine, in the regular army or navy of the United States, or in the revenue cutter service, shall be entitled to vote at any public election in this Territory." This exclusion is too broad and includes those, who if they did not belong to the army or navy, would be residents of the Territory, as well as those who are transiently in the country, and should be, of course, excluded. To stretch the provision to this extent, appears to me, to be unjust and contrary to the genius and spirit of our institutions.

The soldier and seaman should not be disfranchised, they should rather be the more sedulously protected in all their rights, while actively engaged in the protection of their country.

Instances have occurred in the county of St. John's, and doubtless, elsewhere—where persons who had exercised the right of suffrage, if they had not belonged to the army or navy, were deprived of this valuable privilege of American citizenship. I recommend a modification of this section, according to the view thus expressed.

The 18th section is objected to because it is virtually destructive of the election by ballot.

If these alterations are made in the bill, it will be approved, otherwise, not.

ROBERT RAYMOND REID.

Which was read, and said bill mentioned, laid on the table.
The Governor transmitted to this House the following communication :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 3, 1841. }

To the Legislative Council of Florida :

I respectfully inform you, that I have approved the following acts of the Legislature.

1. An act to incorporate the Mechanics Beneficial Society in the city of Tallahassee.

2. An act to amend the third section of an act entitled, an act to establish two terms of the Superior Court in Columbia county.

3. An act to amend an act to incorporate the city of Pensacola.

4. A Preamble and Resolution relative to auctioneers.

5. A preamble and resolutions relative to erecting a Light House on Cape St. Blass.

6. A preamble and resolution relative to bridges across Ocklocknee and Little Rivers.

ROBERT RAYMOND REID.

The Senate transmitted to this House, as passed by that body, a bill to be entitled, an act to ascertain the wishes of the people of Florida, upon the propriety of going into a State Government ;

Which was read and ordered for a second reading on tomorrow.

Also a bill entitled, an act for the relief of the Tallahassee Rail Road Company ;

Which was read a first, second and third time and passed.

Title as aforesaid.

Mr. Bush made the following report :

The Committee on Enrolled Bills have directed me to report as correctly enrolled.

An act to incorporate the Iola and St. Joseph Canal and Rail Road Company.

THOS. M. BUSH, *Chairman*
Com. on Enrolled Bills.

The Senate transmitted to this House, as having passed that body, an act for the relief of Jabez B. Bull and Patric Kerr ;

Which was read a first, second and third time and passed.

The House went into committee of the whole on a bill to be entitled, an act to provide for the compensation of the officers of the Legislative Council, and for other purposes.— Mr. Evans in the Chair—after some time spent in consideration thereof, the committee rose, and by their chairman, reported progress and asked leave to sit again—which was concurred in.

The report of the Committee on Internal Improvement, relative to the Roads and Rivers, Bays, and Harbors of this Territory, was read and adopted.

The resolutions of the Senate read this morning, relative to paying certain troops in East Florida, were taken up by the House.

Mr. Branch moved that they be indefinitely postponed.

Upon this question the ays and nays were called by Messrs. Duval and Brown, and were,

Ays.—Mr. Speaker, Messrs. Bell, Bird, Branch, Evans, Fernandez, Fontane, Priest, Smith and Williams—10.

Nays.—Messrs. Bannerman, Brown, Bush, Bryan, Church, Duval, McKinnon, Miller, Myers, Pent, Sadbury and Stephens, 12.

So the motion was lost.

Mr. Williams then moved that the House do now adjourn until to-morrow morning 10 o'clock.

Upon this question the ays and nays were called by Messrs. Williams and Bird, and were,

Ays.—Mr. Speaker, Messrs. Bell, Bird, Branch, Evans, Fernandez, Fontane, Smith, and Williams—9

Nays.—Messrs. Bannerman, Brown, Bush, Bryan, Church, Duval, McKinnon, Miller, Myers, Pent, Sadbury, and Stephens—12.

So the motion was lost.

The question was then put upon the adoption of the resolutions. Upon this question the ays and nays were called by Messrs. Smith and Priest, and were,

Ays.—Messrs. Bannerman, Brown, Bush, Bryan, Church, Duval, McKinnon, Miller, Myers, Pent, Sadbury and Stephens—12.

Nays.—Mr. Speaker, Messrs. Bell, Evans, Fontane, and Priest—5.

The report of the Committee on Claims relative to the subject last mentioned, was indefinitely postponed.

The House then adjourned until to-morrow morning ten o'clock.

THURSDAY, March 4, 1841.

The House met, pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Stephens offered the following resolution:

Be it resolved by the Senate and House of Representatives,

That a joint committee of both Houses be appointed to contract for the printing of the laws of this session, and that they be instructed to report immediately;

Which resolution was adopted.

Messrs. Stephens and Branch were appointed a committee on the part of the House.

Mr. Stephens moved to reconsider the vote taken on a former day, relative to certain resolutions about the payment of troops under command of Col. Brown and Maj. Garrason, which prevailed.

Mr. Bush offered the following resolution :

Resolved, 'That the Governor's Private Secretary, the clerks of this House, the Sergeant-at-arms, and the Door-keeper, be allowed the same pay as were allowed by the last Legislative Council, and that Mr. Parker be allowed the sum of for his pay as Assistant to the Chief Clerk, and that these accounts be first settled and paid out of the appropriation made for the expenses of this Legislative Council.

Which was read and placed among the orders of the day.

A bill originally of the Senate entitled, an act concerning Roads, Highways and Ferries, was laid on the table.

A bill passed by the Senate, and sent to this House, entitled, an act to repeal the 34th section, and the last clause of the 9th section of the charter of the Union Bank of Florida, was read.

Mr. Branch moved that it be indefinitely postponed.

Upon this motion the ays and nays were called by Messrs. Williams and Branch, and were,

Ays.—Messrs. Bannerman, Bell, Bird, Branch, Evans, Fernandez, Fontane, Myers, Priest, Smith, Stephens, Thigpin and Williams—13.

Nays.—Mr. Speaker, Messrs. Brown, Bush, Bryan, Church, Duval, McKinnon, Miller, Pent, and Sadbury—10.

So said motion prevailed.

The Senate transmitted to this House a message, informing the house that that body had appointed Messrs. Walker and Livingston to confer with the committee of the house on the subject of the printing of this House.

The Senate transmitted to this House the following communication :

The Senate have reconsidered "an act relative to public elections," rejected by the Governor, and have passed it by the requisite majority, by yeas 8, and nays 1.

Attest,

J. S. ROBINSON, *Sec'y. Senate.*

March 4th, 1841.

The vote was then taken in the House on said bill, and were as follows :

Ays.—Mr. Speaker, Messrs. Bannerman, Brown, Bush, Bryan, Branch, Church, Duval, Evans, McKinnon, Miller, Myers, Pent, Sadbury and Stephens—15.

Nays.—Messrs. Bell, Bird, Fernandez, Fontane, Priest, Smith, Thigpin and Williams—8.

The Speaker then declared that the bill had passed by the requisite majority.

Mr. Smith appealed from the decision of the Speaker on this point.

Upon which appeal the ays and nays were called by Messrs. Smith and Williams, and were for sustaining the Speaker,

Ays.—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bush, Bryan, Branch, Church, Duval, McKinnon, Miller, Myers, Pent, Sadbury and Stephens—15

Nays.—Messrs. Evans, Fernandez, Fontane, Priest, Smith, Thigpin and Williams—7.

So the opinion of the Chair was sustained.

The Senate sent to this House, as passed by that body, a bill to be entitled, an act amendatory to the several acts incorporating the Central Bank of Florida, (originally of this House.)

A bill originally of the Senate, and passed by that body, entitled, an act for the relief of George Fisher, and William Wyatt and Giles Stewart, his securities ;

Which was read three times and passed. Title as stated.

The Governor transmitted to this House the following communication :

EXECUTIVE DEPARTMENT,
Tallahassee, March 3, 1841.

To the Legislative Council of Florida :

I respectfully inform you that I have approved the following acts of the Legislature.

1. An act to incorporate Hamilton Academy, in the county of Hamilton.
2. An act to change the name of Abraham Marshal Trotman.
3. An act to repeal the fourth section of an act entitled, an act to amend an act passed January 31, 1838, entitled, an act to incorporate the city of Apalachicola, approved March 2, 1839.

ROBERT RAYMOND REID.

A bill to be entitled, an act to repeal the 34th section, and the last clause of the 9th section of the charter of the Union Bank of Florida, a bill of this House, was laid on the table.

The House received from the Senate, passed by that body, a bill entitled, an act to alter the rate of damages upon protested bills of exchange ; which was read a first time.

The House went into committee of the whole on a bill ent-

ted, an act to provide for the compensation of the officers of the Legislative Council, and for other purposes. Mr. McKinnon in the Chair—After some time spent in consideration thereof, the committee rose, and reported said bill to the House with sundry amendments;

Which report was agreed to by the House.

The House then adjourned until four o'clock, this afternoon.

FOUR O'CLOCK, P. M.

The House met pursuant to adjournment.

The Senate transmitted to this House certain resolutions in favor of S. J. Perry, amended by inserting the words "six hundred," before the word "rations;"

Which amendment was agreed to by the House.

The House also received from the Senate, a certain resolution declaring that Gen. R. K. Call, is entitled to a credit of \$50,000, against the Territory of Florida, as Governor, &c., and releasing him from all obligation for the amounts borrowed by him as Governor of the Territory of Florida;

Which was adopted.

Mr. Bush made the following report:

The committee on enrolled bills, have directed me to report as correctly enrolled.

An act amendatory to the several acts incorporating the central Bank of Florida.

THOS. M. BUSH, *Chairman,*
Com. on Enrolled Bills.

Mr. Myers offered the following resolution:

Resolved by the Governor and Legislative Council of the Territory of Florida, That the Governor of this Territory, is authorized to pay, out of any money belonging to said Territory, not otherwise appropriated, to Tom Perryman and Joe Miller, such sums of money as may be due them for services as Indian guides, *Provided,* The allowance shall not exceed the pay to privates in the territorial service.

Which was adopted by the House.

The House adopted the following resolution:

Resolved, That Henry T. Copeland, Sergeant-at-Arms, be requested to take charge of all the furniture of this House for safe keeping, and that he be allowed the sum of two hundred dollars for the same; which was adopted.

The Senate sent to this House a bill to be entitled, an act for the relief of Levi F. Mosher, as indefinitely postponed.

The Senate transmitted to this House the following communication:

SENATE, March 4, 1841.

The Senate declines to comply with the request of the Speaker of the House of Representatives, asking a return of certain resolutions passed by both Houses in relation to the payment of certain troops in East Florida.

Attest, J. S. ROBINSON, *Sec'y. Senate.*

Upon motion of Mr. Stephens, the House by a vote, directed the Speaker not to sign the resolutions alluded to in the above communication.

The Governor transmitted to this house the following messages :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4th, 1841. }

To the Legislative Council of Florida :

I respectfully inform you that I have approved the following acts of the Legislature.

1. An act to provide compensation to persons saving wrecked and damaged cotton.
2. An act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company.
3. An act to encourage the destroying of wolves in the Territory of Florida.
4. An act to amend the charter of the Tallahassee Rail Road Company.
5. An act giving the right of lien to shipwrights material men, &c., in this Territory.
6. An act to incorporate the Iola and St. Joseph Canal and Rail Road Company.

ROBERT RAYMOND REID.

EXECUTIVE DEPARTMENT, }
Tallahassee, 4th March, 1841. }

To the Legislative Council of Florida :

I promised at the commencement of the session, to present my accounts to you. Ill health and the absence of some documents mislaid, in the removal of the papers of the Executive Office, have hitherto prevented a compliance with my own wishes and with your expectations, as manifested in several resolutions passed upon the subject.

I now respectfully inform you that the following is a correct statement of the moneys received and disbursed by me, for the public service during the past year.

RECEIPTS

Balance in Union Bank 1st January, 1840	\$ 7,277 75
Borrowed of Life and Trust Bank	50,000 00
	<hr/>
	\$57,277 75

EXPENDITURES

Interest on the debt of \$100,000, for public defence	\$3,228 00
Paid Spaniards from Cuba,	1,208 00
Postage for the most part on letters connected with the military service	120 00
Betton & Fisher by order of Council,	559 75
Expenses of com'r's and escort to Alachua,	400 00
Edward Lawrence, [provender for troops]	926 32
Berry and Dowling for public service,	135 00
Samuel Reid, public service,	7 98
Quartermaster General, public service,	41,199 90
Paymaster General, who acted in the absence of the Quartermaster General, occasionally, in the capa- city of that officer,	8,679 30

\$56,464 25

Balance in favor of the Territory, \$813 83

The funds placed, in the hands of the public officers, have been exhausted, and the balance now stated against myself will be much diminished, if not discharged, as soon as the vouchers to which I have alluded can be reclaimed.

I have the assurance of the General Government, that it will pay off and discharge the principal and interest of the public debt incurred for the defence of the Territory.

R. R. REID.

EXECUTIVE DEPARTMENT,
Tallahassee, 4th March, 1841. }

To the Legislative Council of Florida:

At this late period of the Session, I deem it my duty to reply by a message to the Council, to a letter of the Hon. J. D. Edwards, communicating a resolution, passed some time since respecting the military service.

I inform you, therefore, that there are now no troops and officers in the service of the Territory; all that were so, have been transferred to the service of the United States.

During the past year, about six hundred men have been in the service of the Territory, on this side the Suwanee, and in East Florida, twelve companies were authorised at different times, to be raised for the defence of that district.

The General Government has made itself responsible for the money expended in levying and provisioning these troops.

I know of no orders permitting troops in the service, to remain at home; none such have emanated from this department; on the contrary the volunteers were always told, they were to go wherever the service required and the voice of their country called.

R. R. REID.

Which were read.

The Senate transmitted to this House an act for the relief of John D. Parish & Co. amended. Which were agreed to.

The Senate transmitted to this House, as having received the sanction of that body, a bill to be entitled, an act to alter and amend the several acts now in force, respecting judicial proceedings and those respecting appeals and writs of error in civil cases.

Which were ordered to be enrolled.

The House went into committee of the whole on a bill entitled, an act in relation to free negroes, mulattoes and free persons of color.—Mr. McKinnon in the Chair—after some time spent in consideration thereof, the Committee rose, and by their chairman, reported the bill to the House.

Which was concurred in.

Mr. Stephens moved that it be indefinitely postponed, upon this motion the ays and nays were called by Messrs. Duval and Williams, and were,

Ays—Messrs. Bell, Bird, Brown, Bryan, Fernandez, Fontaine, Pent, Priest, Sadbury, Stephens and Thigpin—11.

Nays.—Mr. Speaker, Messrs. Bannerman, Bush, Branch, Church, Duval, Evans, Miller, Smith, and Williams—10.

So the motion prevailed.

Mr. Bush made the following report :

An act to prevent the stealing of neat cattle.

An act to alter and amend the several acts now in force, respecting judicial proceedings, and those respecting appeals and writs of error in civil cases.

An act for the relief of John D. Parish, & Co.

A resolution in favor of Capt. S. J. Perry.

THOS. M. BUSH, Chairman

Committee on Enrolled Bills.

A resolution in favor of M. Ledwith, was amended by increasing the sum allowed him, to fifteen hundred dollars. It was then adopted by the House.

The bill entitled, an act for the compensation of the officers of the Legislative Council and for other purposes; was read a second and third time and passed.

Title as aforesaid.

Mr. Smith offered on a former day the following resolution:

Be it resolved by the Governor and Legislative Council of Florida, That eight hundred dollars be allowed to the Private Secretary of the Governor, and four hundred dollars be allowed for copying the laws and making an index, and that the Governor be requested to audit the same.

Upon the question of adopting the same the ays and nays were called by Messrs. Duval and Stephens, and were,

Ays—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Bush,

Branch, Church, Fernandez, Fontane, Myers, Pent, Priest, and Smith.—13.

Nays—Messrs. Brown, Bryan, Duval, McKinnon, Miller, Sadbury and Stephens—7.

So the resolution was adopted.

The House adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment.

The Speaker, upon the meeting of the House, made the following explanation.

He stated that in the hurry of the business of the House, he, together with the Clerk, had inadvertently signed the resolutions respecting the payment of certain troops under command of Col. Brown and Major Garrason; which resolutions he had been directed by a vote of this House, this day, not to sign. He also stated that he waited on the Governor, and after making the foregoing explanation, had been permitted to withdraw the said resolutions from the hands of the Executive.

Mr. Branch moved that the Speaker and Clerk be permitted to erase their names from the said resolutions.

Upon this motion the ays and nays were taken and were,

Ays—Messrs. Bannerman, Bell, Bird, Bush, Branch, Fernandez, Fontane, Miller, Priest, Sadbury, Smith, Thigpin and Williams—13.

Nays—Messrs. Brown, Church, Myers, and Pent,—4.

The erasure was then made.

A resolution in favor of Wm. P. Duval, heretofore reported by the Committee on Claims, was read a second and third time and adopted.

The following protest was made by the signers thereto :

WE PROTEST against the decision of this House, which affirms that an act receiving the veto of the Governor, requires for its second passage, two-thirds of the *joint vote* of the Senate and House, which is not in accordance with any previous act of the Council; and we deny the right of these branches to make any rule to change or modify the rights of Representatives, without some precedent or the express laws of Congress: And we declare the law upon elections passed this day, fifteen members voting for, and eight members against it, to be null and not effecting the laws intended thereby, to be repealed, which we declare to be still in force.

BUCKINGHAM SMITH,
JOHN M. FONTANE,
STEPHEN D. FERNANDEZ,
W. H. WILLIAMS, of Masquito,
EDWARD BIRD,

**GABRIEL PRIEST,
J. L. THIGPIN, Nassau:**

A bill from the Senate entitled, an act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned, was read a second and third time and passed Title as aforesaid.

A bill to be entitled, an act to prescribe the manner of appointing patrols, and for other purposes, was laid on the table.

A bill to be entitled, an act to compel auctioneers to pay over the amount due to the Territory for auction fees, and not accounted for by them, and for other purposes, was laid on the table.

A bill to be entitled, an act for the support and maintenance of bastard children and for other purposes, was laid on the table.

The House went into committee of the whole on a bill entitled, an act to ascertain the wishes of the people of Florida, upon the propriety of going into a State Government.—Mr. Duval in the Chair,—after some time spent in consideration of said bill, the committee rose, and by their chairman, reported the same to the House with all after the enacting clause stricken out.

Upon the question of concurring in the report of the committee the ayes and nays were called by Messrs. Myers, and Duval, and were,

Ays—Mr. Speaker, Messrs. Bannerman, Bird, Banch, Church, Fernandez, Fontane, Priest, Smith, Stephens Thigpin and William—12.

Nays—Messrs. Bell, Brown, Bush, Duval, McKinnon, Miller, Myers, Pent, and Sadbury—9.

So the report was concurred in.

Here is a copy of said bill:

AN ACT to ascertain the wishes of the People of Florida, upon the propriety of going into a State Government.

WHEREAS, doubts have been entertained whether the vote hitherto given upon the subject of State Government, expressed the deliberate wishes of the people of Florida at the time; and whereas, many changes have taken place in the situation and circumstances of the people, and in the population itself, since the former vote was taken; and whereas, the anticipated continuance and disastrous effects of the Indian-war, have desolated a large portion of our country and impoverished all, whilst it has prevented the emigration and improvement anticipated, when the sense of the people was hitherto taken upon this subject, and whereas, many persons entertain serious doubts whether we could, in our present enfeebled condition, support the burthens of a State Government; and whereas, doubts have also been entertained as to the fairness of some of the returns made to the President of the St. Joseph Convention, adopting the Constitu-

tion made at St. Joseph, and the returns recently promulgated by the Governor, exhibit at best a very meagre majority of the people in favor of that instrument; and whereas, a convenient opportunity will be offered at the next Delegate's election, to test the views and wishes of the people upon these important subjects, and to settle conclusively, all doubts which may be entertained as to such wishes:

Sec. 1. *Be it therefore enacted by the Governor and Legislative Council,* That it shall be the duty of the Judges of election, at the several precincts in this Territory, at the next delegates election, to open poll books, and require the qualified voters to vote either for "STATE" or "No STATE," and record their votes opposite their names. And the said judges shall send copies of such poll books, duly certified, to the Executive of the Territory, at the same time with the returns of the election for Delegate, and deposite the originals of such poll books, in the Clerk's offices of the County Courts of the several counties; and it shall be the duty of the Executive, if such judges fail to send such poll books, with returns for delegate, to write for copies of the same to the said judges so failing, and to the Judge of the County Court of the county in which such failure may have taken place.

Sec. 2. *Be it further enacted,* That it shall be the duty of the Executive to procure, examine, and compare all the returns of the votes upon this subject, and publish the result of each precinct in the Territory, and the aggregate at the same time, with his proclamation of the election of Delegate; and if a majority of the votes so given, shall be for a State, the Executive shall communicate such fact to the Delegate elect, the Speaker of the House of Representatives, and President of the Senate of the United States. And such communication shall be deemed a renewal of the application for admission, and an instruction to the Delegate to use all means in his power to procure the admission of Florida into the Union as a State; and if such majority shall be for no State, the communication of such fact by the Executive, shall be deemed a withdrawal of the application of Florida for admission, and an instruction to the Delegate to apply for leave to withdraw the application hitherto made by the Territory of Florida.

Sec. 3. *Be it further enacted,* That it shall be the duty of the Executive to publish this act as soon as it is passed, in the several newspapers in which the laws are published, and to communicate the same to the judges of the several county courts, with a request that they inform the judges of said delegates election, of the passage of this act, and that he request said judges and clerks of the county courts, to publish the fact that

such poll books will be opened at the same time, with the publication of the precinct elections.

Mr. Myers moved to indefinitely postpone a bill from the Senate, entitled, an act to alter the rate of Damages upon protested bills of exchange.

Upon this motion the ayes and nays were called by Messrs. Duval and Myers, and were,

Ays—Mr. Speaker, Messrs. Bannerman, Brown, Branch, Church, Duval, Evans, Fontane, McKinnon, Miller, Myers, Pent, Priest, and Thigpin—14.

Nays—Messrs. Bell, Bird, Bush, Fernandez, Sadbury, Smith, Stephens and Williams—8.

So said motion prevailed.

Mr. Brown moved that certain resolutions reported by the committee on banks, on the 25th day of February last, be taken from the table.

Upon this question the ays and nays were called by Messrs. Brown and Duval, and were,

Ays—Messrs. Brown, Church, Duval, Evans, McKinnon, Miller, Myers, and Sadbury,—8.

Nays—Mr. Speaker, Messrs. Bannerman, Bell, Bird, Bush, Branch, Fernandez, Fontane, Pent, Priest, Smith, Stephens, Thigpin and Williams—14.

So said motion was lost.

The ays and nays were called upon the question postponing indefinitely the report of the committee on the state of the Territory, respecting jails in this Territory, and a penitentiary, and were,

Ays—Mr. Speaker, Messrs. Bannerman, Brown, Church, Duval, McKinnon, Miller, Myers, Pent, Sadbury and Stephens,—11.

Nays—Messrs. Bell, Bird, Bush, Branch, Evans, Fernandez, Fontane, Priest, Smith, Thigpin and Williams—11.

So said motion was lost.

The resolutions reported with above mentioned report was taken up and adopted.

The report was laid on the table.

Mr. Thigpin offered the following resolution:

Resolved, That a Committee be appointed to inform his Excellency the Governor, and the Senate, that this house having finished the business of the session, is now ready to adjourn *sine die*.

Which was adopted, and Messrs. Thigpin, Myers and Church were appointed said Committee.

The House then took a recess until ten o'clock, P. M.

TEN O'CLOCK, P. M.

The House was called to order.

The Governor transmitted to the House the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841. }

To the Legislative Council of Florida.

I respectfully inform you that I have approved the following acts of the Legislature :

I. An act amendatory to the several acts incorporating the Central Bank of Florida.

II. An act for the relief of Jabez B. Bull and Patrick Kerr.

III. Resolutions suspending the revenue laws for 1841.

IV. An act for the relief of the Tallahassee Rail Road Company.

V. An act to incorporate the Cherry Lake Academy in the county of Madison.

VI. An act for the relief of John D. Parish & Co.

VII. Resolution relative to Captain S. J. Perry.

VIII. An act to prevent the stealing of neat cattle.

IX. " " supplementary to the act approved on the 8th day of February, 1838, entitled an act to incorporate the tropical plant Company of Florida.

ROBERT RAYMOND REID.

Which was read.

Also the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841. }

To the Legislative Council of Florida.

I have received the enclosed communication from several members of the House of Representatives.

It is my duty to say, after consulting the laws upon the subject of organizing the Legislative Council of Florida, which should be taken and considered *in pari materia*, that neither House has the right to legislate *generally* without the presence of two thirds of its members—that number and nothing less constituting a *quorum*. Precedent also sanctions this opinion.

Two thirds of each House and of both Houses, are also necessary to pass a law after it has received the veto of the Governor, and a quorum made up of two thirds of both Houses, there not being a quorum of two thirds in each House, is, according to my understanding, contrary to law, precedent, and all parliamentary usage.

ROBERT RAYMOND REID.

We, the undersigned, members of the representative branch of the Legislative Council of Florida, *Protest* against certain acts of that body, and respectfully represent to his Excellency the Governor :

That Resolutions were passed yesterday upon the subject of the Auditor's Reports, and the collection of arrearages of taxes there being only nineteen members present ; and against which a protest has been formally entered on the Journals.

That the House have adopted for their rule of action, a Resolution which, in effect, constitutes a simple majority of the members present a quorum, if the rest of the members have been excused from attendance.

That on the passage of some resolution, respecting the troops under Brown and Garrison—(upon refusal to have a call of the House)—the number of seventeen only of the members were present.

That we deem the House of Representatives to have entirely mistaken their powers, and that their acts to such extent are entirely without precedent, are against the hitherto received sense of the organic law, and are void.

J. L. THIGPIN, from Nassau.
BUCKINGHAM SMITH.
J. D. FERNANDEZ, Rep. D. Co.
GABRIEL PRIEST, Rep. D. Co.
JOHN M. FONTANE, of St. Johns.
EDWARD BIRD, of Alachua.
JOSEPH BRANCH.

Which was read and laid on the table.

Also the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841. }

To the Legislative Council of Florida :

I respectfully nominate the following person for the office opposite his name.

John L. Wilson, of the Western District, in place of Walker Anderson, whose nomination was not confirmed by the Senate, as commissioner under the act concerning Indian depredations, and for other purposes.

ROBERT RAYMOND REID.

The nomination therein contained was advised and consented to by the House

The Senate sent the resolution of this House, respecting the payment of the Private Secretary of the Governor, and for copying the laws, as having received the concurrence of that body.

A resolution allowing Henry T. Copeland two hundred dollars, for taking care of the Capitol, was sent from the Senate with amendments:

Which amendments the House refused to agree to.

Mr Stephens offered the following resolution:

Be it resolved by the Senate and House of Representatives, That the furniture of the two houses be sold at auction, and the amount paid over to the Territorial Treasurer.

Which was rejected by the House.

The Senate transmitted to this House, as adopted by that body.

Be it resolved by the Legislative Council, That the Secretary of the Territory be requested, in estimating for the expenses of the Legislative council, in future, to estimate a specific amount for the expenses of each House, separately.

Be it further resolved, That the Secretary of the Territory be requested, in making his estimate for the civil expenses of the Territory for the future, to make an estimate for the "apprehension, safe keeping and prosecution of criminals."

Which was also adopted by the House.

The Senate sent to this House as adopted by that body, certain resolutions in favor of Wm. P. Duval.

Which were ordered to be enrolled.

Mr. Bush made the following report:

The committee on enrolled bills have directed me to report as correctly enrolled:

A resolution allowing the Private Secretary of the Governor eight hundred Dollars, and four hundred dollars be allowed for copying the laws and making an index.

THOS. M. BUSH, *Chairman*
Com. Enrolled Bills.

The Senate transmitted to this House the bill entitled, an act to provide for the compensation of the officers of the Legislative Council and for other purposes, with an amendment.

Mr. Stephens offered the following resolution:

Resolved, That a committee be appointed to confer with a committee of the Senate upon the compensation bill. Which was adopted.

Messrs. Stephens, Branch and Smith were appointed said committee.

The Senate transmitted to this House as having received the concurrence of that body, certain resolutions relative to jails and a penitentiary in this Territory.

Mr. Thigpen, from the committee appointed to wait upon his Excellency, reported that they had performed that duty, and that the Governor had informed them that he would be ready in an hour to make his last communication to this house.

The Senate appointed Messrs: Livingston, Pelot and Edwards a committee to confer with the committee of this body upon the compensation bill.

Mr. Stephens from the joint Committee on the compensation bill reported the same to the House amended.

Which was concurred in, and said bill passed.

His Excellency the Governor transmitted to this House the following communication:

EXECUTIVE DEPARTMENT. }

Tallahassee, March 4, 1841. }

To the Honorable the Legislative Council of Florida :

I have considered as maturely as the time allowed me permits, the bill entitled, "An act to alter and amend the several acts in force respecting appeals and writs of error in civil cases," and have come to the conclusion that I cannot approve it.

If the law referred to contracts hereafter to be made, my sanction might perhaps be commanded for it—but it relates to contracts already formed, to suits already instituted. It is obvious that the parties to a contract contemplate when they enter into it, not only *the time* at which its performance is stipulated, but also *that* at which it may be enforced according to law. The latter makes a part of the contract as well as the former, and cannot, without injustice, be restricted or enlarged. If it can, then, a Legislature friendly to the rights of creditors might order, oppressively, a demand to be enforced the very moment it becomes due, or if unfriendly, extend its collection through a long series of years.

Such power no Legislative body should possess; it is one of the most arbitrary character, riding over the Constitution and interfering with the rights of individuals.

As to the policy of such laws, I will not now speak. I have seen the bill, for the first time, late this evening, and am not prepared to present other views than those contained in the message at the opening of the session.

There is a clause in the 6th section, which I cannot pass over, without remark. It is that limiting the operation of the act to Middle and West Florida. Its shadow is not to be permitted to spread itself over the East and the South. Such partial legislation seems to me improper; the more highly so, when we consider its effect, which is to allow the creditor in the Middle or Western District to collect his dues *speedily* from a debtor in the Eastern or Western District, depriving the latter of the power to realize what may be due to him, in the Middle or West, until after encountering the law's long delay, his ruin may have been accomplished. Equality is equity, and surely neither is to be found in such a condition of things. With these objections, and others which there is not time for enumerating, I am constrained to disapprove the bill.

ROBERT RAYMOND REID.

Upon the question of passing the bill against the veto of the Governor, the vote was.

Ays—Mr. Speaker, Messrs. Bannerman, Brown, Bush, Duval, Fernandez, Fontane, Priest, Sadbury, Stephens and Williams—11.

Nays—Messrs. Bell, Bryan, Branch, Church, Evans, McKinnon, Miller, Pent, Smith, and Thigpin—10.

The Senate transmitted to this House the following resolutions, as adopted by that body :

Resolved, That in the opinion of the Senate, a majority is a quorum of each House.

Resolved secondly, That in the opinion of the Senate, a majority of two thirds of the members elected to each House, is necessary to pass a bill into a law, after it has received the veto of the Governor.

Resolved thirdly, That a copy of these resolutions be transmitted to the Governor, in reply to his message upon that subject, and to the House of Representatives.

Upon the question of the adoption of said resolution, the ays and nays were called by Messrs. Stephens and Branch, & were,

Ays—Mr. Speaker, Messrs. Bannerman, Bell, Brown, Bush, Bryan, Church, Duval, Evans, McKinnon, Miller, Myers, Pent. Sadbury, and Stephens—15.

Nays—Messrs. Bird, Branch, Fernandez, Fontane, Priest Smith and Thigpin—7.

So said resolutions were adopted.

The bill for the compensation of the officers of the Legislative Council and for other purposes, was sent from the Senate as having passed that body.

Mr. Duval offered the following resolution :

Resolved, That Henry T. Copeland, Sergeant-at-Arms, be directed to take in charge and deliver into the next Legislative Council, all the furniture of this House, and that the Sergeant-at-Arms be responsible for its safe keeping.

Which was adopted.

Mr. Duval offered the following resolution :

Resolved, That the thanks of this House be presented to the Hon. Peter W. Gautier, for the dignity, impartiality, and ability with which he has presided over its deliberations.

Which was unanimously adopted.

Mr. Bush made the following report :

The Committee on Enrolled Bills have directed me to report as correctly enrolled.

An act to provide for the compensation of the officers of the Legislative Council and for other purposes.

A resolution requesting from the Congress of the United States, an appropriation of five thousand dollars for each judicial district in this Territory, for the purpose of building Jails and an appropriation of two townships of land for the erection of a Penitentiary.

A resolution in favor of Wm. P. Duval.

THOS. M. BUSH, *Chairman*
Com. on Enrolled Bills.

The Governor transmitted to this House the following message :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841.

To the Honorable

The Legislative Council of Florida :

I approve the resolution relative to the compensation of the private secretary of the Governor, and for copying the laws and making an index.

ROBERT RAYMOND REID.

Also the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841.

To the Legislative Council of Florida :

I respectfully inform you that I have approved the following act of the Legislature.

An act to provide for the compensation of officers of the Legislative Council.

ROBERT RAYMOND REID.

Mr. Thigpen from the joint committee appointed to wait upon the Governor, reported that they had performed that duty, and the Governor informed them that he had no further communication to make to this Legislative Council.

Which report was concurred in.

Upon motion of Mr. Duval, the House then adjourned sine die.

JAS. H. GIBSON, CLK. H. R.

APPENDIX

TO THE

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

EXECUTIVE DEPARTMENT,
Tallahassee 26th January, 1841. }

*To the Honorable the House of Representatives
of the Legislative Council of Florida :*

I herewith transmit to you the Report of the Auditor of Public Accounts, for the year 1840.

The Auditor has been recently appointed to office and labors under such disadvantage in making his Report in consequence of the absence of the Treasurer, which is occasioned by a family affliction.

ROBERT RAYMOND REID.

The Auditor of Public Accounts has the honor to make to his Excellency the Governor his Annual Report for the year 1840.

Exhibit No. 1 will show that there has been paid into the Territorial Treasury on account of Auction Tax for the last year the sum of **\$3,448 54**

And on account of arrears of Auction Tax, and Revenue for the year 1839 the sum of **2,578 75**

\$6,027 29

By the last settlement with the Treasurer there was remaining in the Treasury on the 26th day of December 1839, the sum of **342 43**

Six thousand three hundred sixty-nine dollars seventy-two cents, **\$6,369 72**

But as the Treasurer is at this time absent, (from domestic affliction) I am not able to report an annual settlement with him, so as to show the amount now remaining in the Treasury or what amount of Treasury warrants have been paid off since the last annual report. So soon as he returns, which is daily expected, the proper settlement will be made and reported.

There appears to have been issued of Auditor's warrants, since the last report, the sum of (\$10,294 36) ten thousand two hundred ninety four dollars and thirty six cents, and that there were outstanding by the last Auditor's report, the sum of (\$7,656 93) seven thousand six hundred and fifty six dollars ninety three cents.

But until a settlement is had with the Territorial Treasurer, I am unable to report what amount has since been paid, and consequently the amount now due and outstanding.

The amount must necessarily be large, as no revenue was assessed or collected last year, and the sum paid into the Treasury on account of Auction Tax and arrears of last year, 1839, as will be seen, was small, proportioned to the demand of Treasury, particularly for the expence of prosecuting criminals.

A large amount of Auction Tax reported to be due would have been paid, but for want of the receipt of the Treasurer, and has been withheld until his return.

All of which is respectfully submitted

by your obedient servant.

JOHN MILLER,

Auditor Public Accounts for Territory of Florida.

To his Excellency

ROBERT RAYMOND REID.

January 18, 1841.

EXHIBIT No. 1.

A Statement showing the Amount Returned on Auction Tax and the Amount paid into the Treasury on Tax, and ar-
years of Auction Tax and Revenue for last year, since the last Auditor's Report, and Amount paid on Orphan Funds.

Amount Auction Returns, 1849.					Arrears Revenue.				
Auctioneers.	Counties.	Am't. Ret'd.	Am't. Paid.	Am't. Due.	Arrears Ac't Tax.	T. Collectors	Counties.	Am't. Paid.	Am't. Due.
R. J. Hackley,	Leon County,	2432 40	2235 60					1052 19	1006 97
A. M. Alexander,	"	143 10	143 10					14 27	11 04
F. B. Whiting,	"	5 50		5 50					
E. W. Dorsey,	"	77 77	34 92	38 97					
B. Byrd,	"	54	54						
W. Monroe,	Gadsden,	43 18	43 18			H. Stephens,	Hamilton,	1 10	
J. H. Parker,	Jackson,	18 80	18 80			Jesse Carter,	Alachua,	381	1659 77
H. Michilet,	Escambia,	376 24	352 64	22 60		J. M. Stuart,	Hamilton,	43 36	
Jos. Foster,	Franklin,	32 52	32 52			C. Harris,	Gadsden,	110 44	
Rob't. Myers,	"	411 02		411 02		W. R. Taylor,	Jefferson,	913 50	
J. M. Palmer,	Jefferson,	2 51		2 51		J. L. Hart,	Leon,	12 87	119 50
J. L. Phillips,	St. Johns,	50 86	11 58	39 28		D. McCloud,	Walton,		110 70
R. D. Fontane,	"	346 77	212	134 77					
W. Killgore,	Hillsborough,	1 20	1 30						
W. H. Wall,	Monroe,	293 49	47 52	243 63				257 75	5863 38
C. M. Wells,	"	27 25							
J. A. Thouron,	"	47 76		47 76					
J. B. Brown,	"	122 89	122 89						
A. C. Teft,	"	57 94		53 19					
A. T. Teft,	"	134 73	132	7 65					
A. Patterson.	"	58 95							
		4685 22	3418 54	1006 88					

* Collection resisted.

JOHN MILLER, Auditor Public Accounts, Fla.

+ Amount as per former Report.

EXHIBIT No. 2.

A General Statement shewing the aggregate of Auction Tax and Arrears of Revenue and the Expenditures of the Territory, under their respective heads, for the year 1840.

	Dr.
Expenses State Convrtion,	173 00
Do. prosecuting criminals, Western District,	3,826 55
Do. do. do. Middle do.	1,246 65
Do. do. do. Apalachicola do.	1,718 13
Do. do. do. Eastern, do.	1,332 87
Do. do. do. Southern do.	266 63
Do. Executive Department,	900 00
Do. Treasury do.	1,542 00
Do. Collecting Revenue,	1,454 05
	<hr/>
	\$12,360 60

	Cr.
By balance in the Treasury, 36th Dec., 1839,	342 43
By amount received on Auction Tax, 1840,	3,448 54
By amount received on arrears of Auction Tax and Revenue, 1439,	2,578 72
By Fines and Forfeitures,	1,558 10
By balance Auditor's Warrants issued,	4,432 78
	<hr/>
	\$12,360 00

AUDITOR'S OFFICE, January 18, 1840.

To His Excellency Robert Raymond Reid, Esq.

Sir,—Annexed is a list of Auctioneers that have tendered payment, but in the absence of the Treasurer cannot obtain receipts for commissions on auction sales:

R. J. Hackley, Leon County.

E. W. Dorsey, " "

F. B. Whiting, " "

A. M. Alexander, " "

B. Byrd, " "

Rob't. Myers, Franklin County.

John M. Palmer, Jefferson "

R. D. Fontane, St. John "

Respectfully,

Your obedient servant,

JOHN MILLER,

Auditor Public Accounts.

EXECUTIVE DEPARTMENT,
Tallahassee, January 11th, 1841. }

*To the Honorable the House of Representatives
of the Legislative Council of Florida.*

I herewith transmit to you a "statement" of the condition of the Union Bank, just received from John G. Gamble, Esq., the President of that Institution.

ROBERT RAYMOND REID

COPY.

UNION BANK OF FLORIDA,
Tallahassee, Jan. 5th, 1841. }

Sir:—I herewith enclose a statement of the condition of this Bank, as on the 1st January, 1841. Also a list of names of Stockholders of the Bank, who are proprietors of 20 shares and upwards.

Very respectfully,

Your ob't. serv't.

JOHN G. GAMBLE, Pres't.

To Robert Raymond Reid, Esq. Governor of Florida.

STATEMENT

OF THE

UNION BANK OF FLORIDA.

On Friday Morning, January 1, 1841.

Dr.

Stock Notes discounted,	\$1,902,159 23	
Do. in suit,	8,302 00	
		1,910,461 23
Notes and Bonds discounted,	988,824 59	
Do. in suit,	888,138 07	
		1,876,962 66
Bills of Exchange returned protested,	106,790 05	
Do. in suit,	21,778 57	
		128,568 62
Territorial Bonds unsold,	704,000 00	
Florida 8 per cent. Bonds,	50,000 00	
		754,000 00
Premium on Bank Stock,		3,801 00
Protested Account,		822 49
Interest on Post Notes, due in 1841,	12,227 86	
Do. do. do. 1842,	11,086 17	
		23,314 03
Due by Banks and Agents,	163,118 48	
Agency at St. Joseph,	93,406 00	
		256,525 28
Cotton Account,		4,664 58
Real Estate in Tallahassee,	25,169 90	
Real Estate in St. Joseph and Jackson County,	59,185 82	
Real Estate in Richmond, Virginia, in trust,	9,971 84	
		94,327 06
Cash Ballance, Specie,	2,022 88	
Notes of other Banks and Corporations,	19,528 00	
		21,550 88
		<u>4,556,769 81</u>
	Dollars,	

Cr.

Capital Stock,	\$3,000,000 00	
Cash Stock,	143,700 00	
		<hr/>
		3,143,700 00
Due to Banks and Agents,		364,193 15
Bills Payable,		33,455 27
Post Notes issued payable in 1842,		216,154 71
Bank Bonds payable in New York,		
1841,		25,000 00
Deposites, including Certificates,		184,337 69
Circulation,		365,111 00
Sinking Fund,	330,962 12	

LESS.

Interest upon \$497,000 of Bonds of the Bank issued in 1837, and loss on exchange in remittance to pay principal and interest of the same: also, loss on exchange in remittances to pay interest of Territorial Bonds: also, discount on sales of \$476,333 33 of Post Notes of the Bank of the U. S., all of which should have been charged in the annual statements for January, 1839 and 1840; besides the sums then charged,*

100,847 02

Which will reduce the Sinking Fund to the sum of

230,115 10

Discount Account, \$216,901 16

Incidental ex-

penses, 32,638 00

In't. on Terri-

torial bonds, 137,760 00

Do. Bank do. 7,727 76

Loss on cotton

shipped to

pay interest

& exchange

thereon,

44,073 51 222,198 27 5,298 11 224,816 88

Dollars, 4,556,768 81

* The items here referred to were included in the account of John G. Gamble, Agent, which was not adjusted until after January, 1840.

There are arrears of interest due the Bank upon Bonds and Notes in suit, and other papers lying over under protest, exceeding in amount \$110,000, which added to the above sum of \$224,816 99 would make the Sinking Fund \$334,816 99.

R. L. RUTGERS, *Assistant Cashier.*

TERRELL OF FLORIDA,
County of Leon.

Personally appeared before me, a Justice of the Peace for the County aforesaid, Henry L. Rutgers, Assistant Cashier, of the Union Bank of Florida, and made oath that the above statement is correct, to the best of his knowledge and belief.

Given under my hand and seal, this fifth day of January, 1841.

A. SPENGLER, *Justice of the Peace.*

EXECUTIVE DEPARTMENT, }
Tallahassee, 25th January, 1841. }

*To the Honorable the House of Representatives,
of the Legislative Council of Florida.*

I herewith transmit to you the statement of the condition of the Southern Life Insurance and Trust Company, just received from Geo. Field, Esq. the President of that Institution.

ROBERT RAYMOND REID.

SOUTHERN LIFE INSURANCE AND TRUST COMPANY, }
Tallahassee, January 22d, 1841. }

*To his Excellency
Robert Raymond Reid.*

SIR:—I transmit herewith the annual statement of the condition of this Company. A little delay has unavoidably occurred in consequence of the difficulty of communicating between its various offices.

At the date of the last annual report, this company stood almost alone, in the Southern country, in its policy of paying coin for its notes and obligations on demand. Conscious of the justice of this course, and desirous of sustaining as far as practicable, the credit of the Territory abroad, and by its example and influence to induce resumption on the part of others, the Trustees hesitated at no effort or sacrifice in their power, to maintain the character which they claimed for the Institution, and to which they felt themselves justly entitled.

Notwithstanding the liberal facilities afforded by this company to its dealers, in furnishing exchange, and the indulgence granted to its debtors, such had been the credit of the Institution at the North, in consequence of their manner of doing business, it was not doubted, that either by sale or hypothecation of its bonds guaranteed by the Territory, (of the use and full credit of which, they could not expect to be deprived, having strictly complied with the requisitions of their charter) and by a like use of the \$50,000 of Territorial Bonds received for a loan negotiated by your Excellency, they would be enabled to meet all their engagements. Nor will it be contended in view of the then immediate liabilities of this company, that such expectation was not well founded. The most extraordinary character of the report, however, of the Judiciary Committee of the popular branch of the last Legislative Council, and the subsequent action of that branch upon it, had the effect of defeating every attempt at negotiating on any thing like fair terms, not only the \$400,000 of bonds guaranteed by the Territory, (and for which guarantee abund-

ant security, as required, was given,) but also the \$50,000 loaned to the Territory, for a part of which, New York funds were paid. Nor was this all. The company, unable to resist the influences thus operating to its prejudice, could not make its own credit available.

A general and fatal distrust of all Florida securities arose in the money markets, and as the engagements of the company in New York matured during the summer, they were compelled on some of them to suffer protest.

Anxious, if possible, still to sustain themselves and meet the just expectations of their creditors, an earnest appeal was made to the Northern Stockholders who had originally paid in about two thirds of the capital. They were made familiar with the situation of the company, and the immediate causes of our inability to meet engagements, and were urged to lend us 200,000 dollars, either in money or credit, a sum deemed amply sufficient to place the company upon high and independent ground. It was feared by the Stockholders to whom the circular was addressed, that the same unlooked for measures, on the part of the constituted authorities of the Territory, which had operated so seriously to our prejudice heretofore, might be continued, and thus this attempt proved fruitless. They had through the medium of this Company, invested much money in Florida, and without some better assurance than the undersigned felt authorized to give, that the company would be permitted to enjoy its chartered rights in quiet, so long as they acted in good faith, they were unwilling to invest more.

Anxious to relieve ourselves as far as possible, an effort was made which, in most cases, proved successful, to get indulgence on a portion of the amounts protested, by paying the balance, which was done. And in New York, where our credit had suffered most, our efforts tended in a considerable degree to restore it, not however, to a sufficient extent, to bring relief from all our engagements; and until some favorable action of the Council, which shall tend to wipe away the stain cast upon the credit of the Territory, and thus enable us to dispose of the \$175,000 of bonds, necessity will force us to a rigid curtailment, to meet the expectations of your Excellency. It will readily be perceived, by reference to the report herewith, that the securities in bonds held by this company (if made available by a restoration of their credit, so far as it may depend upon the faith of the Territory,) will be sufficient to render unnecessary any pressing measures against their debtors.

The present circulation, and other immediate liabilities of the company are not large, compared with its assets, a sufficient amount of which, it is hoped to make available to meet the lia-

bilities abroad as they mature. Our policy has *not* been to *expand*, nor to contract faster than seemed compatible with the safety of our debts, and particularly as collections could only be made in the notes of Banks which neither gave specie or exchange.

Our first object has been to do justice to our creditors. If other Institutions have succeeded in this better than *we have*, then it may be proper to institute comparisons between us, unfavorable to this Institution. If "serious doubts are entertained of the solvency" of *this company*, the undersigned is unable to perceive reasons for such doubts, which would not apply with at least as great force to the other Banks of the Territory.

The Trustees have loaned no money at any time, to such as they did not think able and willing to pay according to agreement. They have sometimes, like others, been deceived in this, but claim for themselves, the ability to profit by experience.— They have constantly aimed to have their doings characterized by the *strictest impartiality*, looking always carefully to the pecuniary ability of the applicants, and to the nature of the security offered.

The Trustees are well aware of the disadvantages under which they labor at a time, when the patience of nearly every sound business man in the community, has been exhausted by the continued suspension of the Southern Banks. They know, too, how delicate a thing the credit of a Bank is, and how easy it is by a *single expression* to injure it.

Aware of the high obligation and necessity that exists to resume specie payments as soon as practicable, the Trustees will do all in their power, consistent with a due regard for the interest of their debtors, to bring about so desirable a result. To regain the same flattering confidence which has heretofore been extended to them by the citizens of the Territory, and to merit its enjoyment will be their constant aim.

All of which is respectfully submitted.

GEO. FIELD, President.

STATEMENT

Of the condition of the SOUTHERN LIFE INSURANCE AND TRUST COMPANY, compiled from returns of the Apalachicola Office of fifteenth current, returns from Tallahassee, St. Augustine and Jacksonville Offices, and from Agency at New York, to the 1st day of January, 1841.

RESOURCES.

Notes and Bills discounted,	774,782	49
Amount due on Bonds and Mortgages,	659,961	23
Suspended Debt,	15,305	23
Loans on collateral security payable on demand,	29,158	17
Bonds including \$25,000 loaned to the Territory on Territorial Bonds, and yet unsold,	47,000	00
Bonds guaranteed by the Territory and remaining unsold,	150,000	00
Bonds of Union Company and Union and Potomac Company of Maryland and Virginia, [This amount is amply secured by mortgages on real estate in New York, Maryland and Virginia.]	87,622	48
Balances due from sundry Agents, Banks, Branches, &c. other than Branches and New York Agency of this Company,	47,884	01
Balances for advances on account of cotton at Apalachicola,	52,163	42
At Tallahassee,	26,502	92
Bank Stocks,	78,866	34
Real Estate, including two Banking Houses and Lots,	26,045	00
Personal property in five offices,	21,016	96
Overdrafts—Aggregate am't. at all the Branches due from 29 individuals,	6,099	11
Profit and loss, including all losses in negotiating Bonds, and after paying all expenses to January 1, 1841,	20,160	51
Cash—Bank Notes of other Banks,	61,972	81
Specie,	30,217	00
	3,010	89
	33,227	89
Dollars,	2,058,902	23

LIABILITIES.

Capital Stock,	897,075 00
Due to sundry Banks and Branches, other than Branches of this Company,	18,026 32
Deposits to apply to discounted paper past due,	16,608 22
Certificate account for deposits,	22,281 72
Certificates issued to the Union, and Union and Potomac Companies,	82,762 25
Deposits due to individuals,	106,903 75
Dividends unpaid,	972 50
Bonds issued by this Company, payable in 1865, bearing five per cent. interest, and guaranteed by the Territory,	400,000 00
Bills payable at Agency in New York in the year 1841,	253,682 95
Other obligations of this Company for loans,	137,079 91
Notes of this Company in circulation,	111,595 00
Resulting balances, being items of accounts of the several offices in transit,	11,804 60
	<hr/>
Dollars,	2,058,902 23

It may be proper to remark that some interest is due from the Company on loans ; but it is believed the interest earned and due the Company, not embraced in foregoing, is at least equal in amount.

GEO. FIELD, *President.*

J. WILLIAMS, *Cashier.*

TERRITORY OF FLORIDA, }
Leon County. }

TALLAHASSEE, January 22, 1841.

George Field, President, and John Willirms, Cashier, of the Southern Life Insurance and Trust Company, being duly sworn, depose and say : that the above statement of the condition of the Southern Life Insurance and Trust Company is just and true according to the best of their knowledge and belief.

A. SPENGLER, *Justice of the Peace.*

DOCUMENTS

ACCOMPANYING THE REPORT OF THE
COMMITTEE ON CLAIMS.

EXTRACT

From Governor Oall's Message to the Législative Council at the Session of 1839.

Since the last session of the Legislative Council, our frontier settlements have been greatly harassed by the marauding bands of the enemy, notwithstanding the formidable and well appointed force employed by the Government in prosecuting the War, and in defending the frontier, the struggle with the Seminoles still continues with all the appalling incidents of savage Warfare. During the last summer, numerous and distressing instances occurred, in which whole families were murdered by the midnight attacks of the enemy. The frontier inhabitants were kept in a state of perpetual danger and alarm, and although the troops of the Government were actively employed in their defence, it became necessary in the opinion of the Executive, on the urgent application of the people and the officers of the exposed districts, to order a portion of the Militia into service. In Middle Florida these troops have been recognized by the Government, and most of them have been mustered and paid for their services. But, in East Florida, where a much larger force was employed, the Commanding General did not consider them necessary for defensive operations. In consequence of which the troops called out from the counties of Alachua and Columbia, have not and perhaps will not be paid by the United States. A correct return of the number of officers and men, or of their term of service, has not been received from the county of Alachua. But the officer commanding the Militia of Columbia county, reports a whole regiment to have been in service, amounting in the aggregate to seven hundred and ninety-three officers and men. Whether so large a force was necessary for the defence of the Settlements, is a question which the executive is not prepared to decide, as the scene of operations was too remote to enable him to form a correct opinion on the subject. The laws of the Territory require the Executive, in cases of invasion or insurrection, to order out such portion of the Militia, as he may deem necessary for the defence of our citizens. But relying on the protection of the army,

It was not until repeated outrages had been committed, and a number of lives had been sacrificed, that recourse was had to the local militia for defence. In adopting this measure at a time when the Indians in small bands hovered on the skirts of every settlement, and every inhabitant exposed to massacre, it became necessary to invest the officer in command with discretionary power, in relation to the number of troops to be employed, for the purpose of restoring tranquility, and to ensure the safety of those who were exposed to danger. But, he was specially instructed to employ no larger force than in his judgment, should be absolutely necessary, for defensive operations. The tragical occurrences on that frontier for some time preceeding, and subsequent to the date of this order, demonstrates the propriety of the course pursued. It matters not how numerous may have been the regular force engaged on that frontier, or what may have been its efficiency, gallantry, and enterprize; the unquestionable presence of the enemy, the invasion of the country, and the murder of our citizens at their own threshold, or while engaged in cultivating thier fields, without discrimination of age or sex, is the best proof that sufficient protection was not given by the Army, and that it was necessary and proper that the militia should be called out in the defence of their families and homes. Under these circumstances it appears to me that there should be no hesitation on the part of the General Government in paying the troops thus employed. I am not disposed to encourage an extravagant expenditure of the public treasure, or to ask compensation for services which were never rendered. But, the troops in question having been called into service, consistently with the laws of the Territory, so far as services have been performed I recommend that their claims for compensation be presented in an appropriate memorial to Congress, and that if they should not be paid by the United States, that the Territorial Government promise the necessary compensation.

EXTRACT

From the presentments of the Grand Jury of Alachua, &c. Nov. 1840.

ALACHUA SUPERIOR COURT, }
November, 1840. }

The Grand Jurors of the counties of Columbia, Alachua, and Hillsborough, before separating for their homes, take occasion to call attention to such subjects as they deem important to the counties from the body of which they come.

They represent as an act of great injustice, that the volunteers in Alachua and Columbia, called out by an order of the Governor, in the year 1838, still remain unpaid for their services. They allude to the regiment of Col. Robert Brown, and the battalion under Major Isaac Garrison. Both these corps were summoned into service for the protection of this extensive frontier, at a time when the withdrawal of all the United States forces from the interior, and the repeated massacre

which were occurring, rendered it a matter of exceeding urgency, and imperative necessity that they should take the field. They did so at their own expence, under authority of the Executive of Florida, and the laws then and still in force upon the subject, trusting to the pledged faith of the Territory, for their proper and stipulated remuneration. The Grand Jury bear ready testimony to the activity and efficiency of their services, during the spring and summer of 1838, and do not hesitate to declare their conviction that but for the protection afforded by these corps, the whole country East of the Suwannee and West of the St. Johns, *must and would have been abandoned.*

It was a year of great difficulty, distress, and misfortune to the inhabitants, and nothing but the encouragement and support which the efforts of the organised militia produced, sustained and carried the people through that peculiarly trying season, and resulted in the continued occupation of this region of country up to the present time. They ask as an act of justice, due to the brave volunteers of whom they speak, a prompt and early liquidation of their claims, and request the Representatives of their counties to urge the subject to the attention of the next Legislature.

I hereby certify that the foregoing is a true extract from the general presentations of the Grand Jury of Alachua, Columbia, and Hillsborough, at the November Term, 1840, of the Superior Court, this 2d day of January, 1841.

BENNETT M. DELL, Clerk.

I certify on honor, that in compliance with the order of the Governor of Florida, under date of the 26th March, 1838, I proceeded to organise and muster a force for the defence of the county of Columbia, and adjacent frontier. That the adjutant of the regiment, pursuant to my order, proceeded to inspect and muster the following companies, to wit:—those of Captains Martin, Pelot, Sanderlyn, Cason, Roberts, Bryant, Tillis, Hooker, Worth, Johnson, and Migell, that said companies were brought into service on the sixth day of April, and continued in service until discharged by my order in compliance with the order of Governor Call, on the twenty second day of July, of the same year, making a term of three months and sixteen days, with the exception of Capt. Bryant's company, which was discharged by the Lieutenant Colonel in command, on the twentieth day of July. That said companies, while so in service, were constantly in preparation for duty, and obeyed all orders issued by me through their respective officers. That they performed a more arduous and active duty than was performed by the volunteer forces in the service of the United States in 1837, when I was myself in service. Were all the time on the alert, and engaged in a system of scouts. Had several skirmishes with the enemy, and succeeded in a more effectual protection of the settlements than has been employed before or since that period.

I also certify, that such forage and subsistence as could be procured by the Quarter Master, were furnished, and that when it could not be procured by that officer, the men were directed by me to furnish their own forage and subsistence, which they did, upon the express understanding that they should receive therefor, the same price for which they could sell the same articles at the same time, or which they might have to pay for it.

And I further certify that regular reports of the strength and completeness of each company were made at the time of mustering by the Adjutant, and that the regiment provided its own ammunition, arms, and accoutrements for the service. That the muster rolls presented and certified to exhibited a report of the number of men and officers as reported by the Captains of companies; that said companies were actually in service, and under orders for the period designated in the said rolls respectively, and that they are justly and strictly entitled to pay for the said term.

Witness my hand at Columbia county, this fifth day of January, A. D 1841.

ROBERT BROWN,
Col. 12th Regiment Florida Militia.

LETTER

From General Eustis to Committee of Citizens.

HEAD QUARTERS, 2D DIVISION ARMY OF THE SOUTH, }
Garey's Ferry, 15th April, 1838. }

To the Committee of the Citizens of Newnansville:

Gentlemen—Your communication of the 13th inst. was handed to me two hours since by Mr. Knight.

No one can regret more than I do, that the very small military force under my command has been found insufficient to protect the inhabitants of this frontier against the marauding excursions of the Indians, and to enable them to pursue with tranquillity their agricultural labors. Such force as was under my control was disposed of according to the best of my judgment to effect that most desirable object. *That there has been no mounted force in service on this frontier has not been my fault.* My earliest and continued efforts from the day of my arrival here, have been to obtain for the service of the United States two or three companies of mounted Florida volunteers. I have not yet been able to obtain a single company.

I am happy, however, in being now able to say to you that I have received information that several companies of regular troops (two of them mounted) are on the march from the South, and may be expected to reach Micanopy this day. I have already dispatched orders to the commanding officer of these troops, Major Riley, to put all the disposable force, both horse and foot, in motion, to scour the hammocks, and

endeavor to find, dislodge, and destroy all the parties of Indians, who are supposed to be lurking on this frontier between the Suwanee and the head of Black Creek. And now, gentlemen, I call upon the citizens of Newnansville to put their own shoulders to the wheel, by giving to Major Riley every aid in their power, by strengthening his numbers, and furnishing him with guides, scouts and spies.

You state that relief is required in the way of subsistence for the many families assembled at Newnansville, and seem to intimate that you expect me to furnish it.

You surely cannot be ignorant that the business of supplying rations according to law to the suffering inhabitants of Florida has been taken out of the hands of the commanding officer of the troops, and is placed entirely under the control of the Commissioners appointed by the War Department.

So far as relates to the transportation of supplies necessary for the inhabitants of the exposed part of the frontier, I will with great pleasure instruct the officers of the Quarter Master General's Department to give every assistance which the public service will permit.

With the assurance of my respectful consideration,

I am, gentlemen,

Your humble servant,

ABR'M. EUSTIS, Brigadier General.

To FRANCIS R. SANCHEZ,
COTTON RAWLS,
JAMES PINDARVIS
JESSE CARTER, and
GILES W. ELLIS,

} Committee of the Citizens
of Newnansville.

COPY

Of a Letter from General Eustis to Major Garrison.

HEAD QUARTERS, 2D DIVISION ARMY OF THE SOUTH, }
Garey's Ferry, April 15, 1838. }

MAJOR J. GARRISON, Newnansville,

Sir—I have the honor to acknowledge your communication of the 13th inst. and in reply, being much hurried, I beg leave to refer you to a letter I have just addressed to the committee of the citizens of Newnansville, in answer to a communication from them of similar import to yours.

I am, with respect,

Your humble servant,

ABR'M. EUSTIS, Brig'r. Gen'l.

I hereby certify, upon honor, to the accuracy and correctness of the following statement, to wit:

The state of this region of country in the spring of 1838, was such as to render it imperatively necessary that the militia of this county should be organized, and called to duty. The regular forces had in a great measure been withdrawn; Indian massacres were of daily occurrence; the trails of the enemy were found in every direction around the settlements, and it became evident to all that without the most prompt and decided measures, the country must be abandoned to the enemy. Being the senior officer of the regiment here, regarding myself authorized by the laws of the Territory, in the then emergency, I ordered a Battalion into service; and directly after, under date of the 9th April, 1838, informed the Executive of what I had done. Shortly afterwards a meeting of the citizens of the county was held at Newnansville for consultation, and a committee appointed to communicate with Brigadier Gen. Eustis, concerning the defenceless condition of this frontier. A copy of the reply of Gen. E. is annexed for the purpose of showing the inadequacy of the means of protection at the command of that officer. After receiving Gov. Call's order of 23d June, 1838, to discharge my battalion from the Territorial service, I consulted with the principal and most discreet citizens of the county as to the propriety of complying with it, and in accordance with their unanimous opinion, sustained as it was by my own judgment, I decided to continue the battalion on duty, reporting my course to Governor Call, under date of July 5th, 1838. The battalion continued upon duty till the 19th September, when the necessity of their longer service being less urgent, they were disbanded by my order.

During all the period of its service the battalion was well organized, and performed constant and active service. The men composing it were all the while under orders, and did even *more* duty than has been usually required of volunteers mustered into the service of the United States. It was engaged in one regular battle at Santa Fe Bridge with a large force of Indians, and in repeated skirmishes, and by its vigilance and constant scouting, effectually kept off the enemy from the settlements.

If a military corps ever entitled themselves to pay this battalion did, especially as it was called upon duty at a season of the year, which obliged its members to abandon their agricultural pursuits, and composed almost entirely of men upon whose single and unaided labor their families were dependant for support.

J. GARRISON,

Major 1st Battalion 6th Reg't. Florida Militia.

The undersigned citizens of Alachua county beg leave respectfully to add our testimony as to the necessity and propriety of the course pursued by Major Garrison as detailed in the foregoing statement, in reference to the employment of his Battalion in the spring and summer of 1838. The situation of the country at the time was such as to render it absolutely necessary that a militia force should take the field; and that of necessity continued throughout that spring and summer.

The number of men called into service so far from being too many for the occasion, was less than the circumstances would have justified.

We add further that the Battalion performed all the while most meritorious service, and was the means of saving this frontier from total destruction and abandonment.

We cannot too strongly recommend their title to a prompt and early liquidation of their claims.

FRANCIS R. SANCHEZ, Col. 6th Reg't. F. M.

A. McNEIL,

THOS. E. BARROW, Sheriff of Alachua County.

JESSE CARTER,

JOHN R. STANDLEY, of Fort Tarver.

GEO. F. OLMSTED, Int. of Town of Newnansville.

LIGHT TOWNSEND,

BENNET M. DELL, Lt. Col. Vol's. in U. S. service.

COPY

Of letter from Major Garrison to Gov. Call.

NUNANSVILLE, July 5, 1838.

Dear Sir:—Yours of the 23d ult. has been received by the politeness of Capt. Byrd. I can only say, that I am sorry to be informed, that the money cannot be refunded to me. But if that was all it could be easily got along with, as I should be the only sufferer, and I have got so much accustomed to disappointment and losses, that I am taught to take them patiently.

But when I have to report the heart rending scenes that are daily occurring among my fellow citizens, it bears my spirit down. The brave Capt. Walker is no more. But, he fell honorably in battle, the report of which, I expect you have seen before this. As this battle was about twenty miles below this place, and as the Indians were met, we had flattering hopes that they would not interrupt us. But how quick were those hopes blasted! Mr. Gwinn and his family left Fort Harlee on Sunday 1st instant, and on the 2d the Indians made an attack on him and murdered himself, his wife and children in their barbarous way.—One of his sons luckily made his escape to Fort Harlee, and the troops used all their power to find the Indians, but failed. This took place in about ten miles of Nunansville on the Santa Fe.

No country can have a worse feature than Alachua has at this time, and General Taylor is not near this place for me to report to. In that case I feel compelled to keep the battalion in service of the Territory, till further ordered.

With great consideration, I am dear sir,

Your humble servant,

ISAAC GARRISON,

Major commanding, &c.

His Excellency R. K. CALL.

DOCUMENT

ACCOMPANYING THE MESSAGE OF THE GOVERNOR

Dated January 25, 1841.

PRESENTMENTS:

The Grand Jury empannelled and sworn in and for the county of Duval, being about to bring their official duties to a close would respectfully beg leave to submit the following presentments :

They would bring to the consideration of the Court, the unsettled state of the country, arising from the continuance of Indian hostilities,—while suffering, danger and death, are daily threatening some of our fellow citizens, no part of East Florida is exempt from the evils incident to our Indian and border war. A lenity of morals and a frequency of crime are the almost inevitable result on every side, they witness evidence of this truth. In a disturbed and unsettled state of the county, the incentives to crime are many and the restraints few. From such a state of things they duly hope for relief, by a removal of the Indians from the Territory. By the frequent charges of those entrusted with the command, hopes of a termination of these difficulties and evils, have been often excited, to be as often blasted, but they never look forward to a change, from which they anticipate the happiest results, by restoring peace to our borders and happiness to our homes.

The Grand Jury would present the management of this war with our insignificant tribe of Indians, without assuming the province of condemning or censuring any of the officers to whom the conduct of the war have been committed. It requires no great wisdom to discover, that it has been unskillfully managed, and unnecessarily protracted, to the great detriment of all East Florida. In the most public and solemn manner they would repel the imputation, which some have been so ready to

cast upon them, that the citizens of Florida have contributed to prolong the war, or have desired its continuance, or been benefited by it. They hail with joy the prospect of an important change in those who are to control and conduct it.

The Grand Jury would present, that a division of the Territory is a subject of great and abiding interest, to the citizens of this part of the Territory, disconnected from the Middle and West, in business, in sympathy and in feeling. They regard a separation from them Territorially as a subject of great concern to the whole of East Florida, and that the assumption of a State Government with the taxes and responsibilities incident thereto, would beget evils and suffering which they are reluctant to encounter.

The grand jury would present numerous instances of a censurable neglect of duty by the justices of the peace, and other judicial officers in this county, and particularly in Jacksonville in not enforcing the laws, by restraining those who, in the most daring and reckless manner, threatens acts of violence and bloodshed. To this neglect, in permitting men armed, and using the most violent threats, to go unchecked for hours and even days, would they attribute, in no small degree, the fatal affray that took place in May last, and which has been brought to their notice at this session. To prevent a repetition of such acts, tending to disorganise society, and jeopardise the lives of unoffending and quiet citizens; those who are by law conservators of the peace, should be required to discharge, faithfully and fearlessly, their duty by imposing a restraint upon all who armed with deadly weapons, threaten violent and murderous assaults upon others, or who threaten in any manner to violate or disturb the public peace. The Grand Jury would present A. W. Crichton, Esq., assessor of taxes for the district of Mandarin, for neglect of duty in making returns of assessments.

The Grand Jury would present the want of a competent jail in the county, as a great grievance, criminals are either permitted to go at large, as the officers are compelled to muster a large force, to guard prisoners while carried forty miles, over a road endangered by lurking Indians, thence to be confined in such a manner as to create the probability of escape.

The Grand Jury would also present the remissness of the Port Wardens for the St. John's Bar, from granting branches to careless or improper persons, the number of wrecks has greatly multiplied, though the bar is not believed to have changed for the worse. The importance of this bar at this time imperatively demands, skilful and faithful pilots. To a few

men is entrusted not only a large amount of property, but life. They have deemed it their duty to call attention to this subject, that a reform may be effected.

The Grand Jury would take this opportunity to tender to his Honor Judge Bronson, their thanks for his lucid and able charge as they were entering upon their duties, and to express their pleasure and approbation, of the prompt and efficient manner with which the business of the session has been conducted.

The Grand Jury request that these presentments may be read in open court, and published in the newspapers of St. Augustine, and that a copy be sent to our delegate in Congress, and to the Governor of the Territory.

GEO. FLEMING, Foreman.

J. GUTTERSON, Secretary.

Jacksonville; December 15, 1840.

A true copy from the original now on file in my office.

ISAIAH D. HART, Clerk.

Per D. HIRAM B. HART, D. C.

EXECUTIVE DEPARTMENT, }
Tallahassee, Jan. 29th, 1841. }

*To the Honorable the
Legislative Council of Florida :*

The absence of the Treasurer of the Territory, having been longer than was anticipated by the officer or myself, at the time of his departure for New Orleans, I submit, for the information of the Legislative Council, a Report made to me in December last, at my special request.

ROBERT RAYMOND REID.

REPORT
OF THE
TREASURER.

TREASURER'S OFFICE,
Tallahassee, December 23, 1840. }

To His Excellency

Robert Raymond Reid:

Sir—Herewith I have the honor to hand you my account current with the Territory for the past year, showing all moneys received and disbursed during that period, and leaving a balance in the Treasury of two dollars and eighty-eight cents.

Of the appropriation by Congress of twenty thousand dollars for the erection of Public Buildings in Florida, as shewn by his report of last year, the sum of three thousand dollars was paid over to the former Commissioner, Mr. English; the remainder, seventeen thousand dollars, has been paid since to the present Commissioner, Mr. Baltzell, and each account charged with their respective amounts on my books.

The sum of three thousand two hundred and twenty-eight dollars and fifteen cents received of you on the 5th June last, to pay the interest due on the 1st July last on the one hundred Territorial Bonds sold to the Union Bank and Life and Trust Company, has been applied to the payment of the same, and the interest coupons received from those institutions and placed on file in this office.

There is but little alteration in the balance on hand of the School Land Fund since my last report on the subject, though an account of its present situation will be submitted.

Very respectfully,

Your obedient servant,

T. H. AUSTIN, Treasurer.

The Territory of Florida in Account Current with Thomas H. Austin, Treasurer.

1840.

Dr.

To expenses collecting revenue, paid Auditor's warrants,	80 00
To uncurrent notes, paid Auditor's warrants,	25 00
To expenses Indian War, paid Auditor's warrants,	3,411 95
To expenses Treasury Department, paid Auditor's warrants,	1,043 67
To expenses prosecuting crimes Middle District, paid Auditor's warrants,	477 63
To expenses State Convention, paid Auditor's warrants,	580 50
To expenses prosecuting crimes Western District, paid Auditor's warrants,	123 45
To expenses taking census, paid Auditor's warrants,	45 50
To Treasury Notes, amount redeemed,	29 00
To interest account, paid interest on Treasury Notes redeemed,	17 75
To expenses Executive Department, paid Auditor's warrants,	400 00
To expenses prosecuting crimes Eastern District, paid Auditor's warrants,	411 59
To expenses prosecuting crimes Southern District, paid Auditor's warrants,	67 50
To expenses prosecuting crimes Apalachicola District, paid Auditor's warrants,	637 12
To balance,	2 88
	<hr/>
	\$7,355 64

1840.

Cr.

By balance in Treasury, 26th Dec., 1839,	342 43
By revenue received on Auditor's certificates,	3,748 01
By auction tax received on Auditor's certificates,	3,265 20
	<hr/>
	\$7,355 64

By balance in Treasury Dec. 23, 1840, 2 88
THOMAS H. AUSTIN, Treasurer.

EXECUTIVE DEPARTMENT, }
Tallahassee, February 3, 1841. }

To the Legislative Council of Florida.

I herewith transmit the Annual Report of the Commissioner
of the City of Tallahassee for the past year.

ROBERT RAYMOND REID.

To the Senate and House of Representatives of Florida :

The undersigned, Commissioner of the City of Tallahassee for the past year, herewith encloses an account of receipts and expenditures since his appointment, shewing a cash balance in his hands of \$4 47, and in notes of \$11,217 17; total, \$11,222 04.

He submits the following statement of the probable resources of the capital fund :

The above balance,	11,222 04
Amount which may probably be collected on old account, including suit on official bond of Willis Alston,	5,000 00
Value of lots unsold,	5,000 00
Value of right of location of a quarter section owned by the Territory,	1,000 00
	<hr/>
	\$22,222 04

There is due	
To Mr. Shine on his contract,	9,937 00
" " "	300 00
" Levinus " extra work, &c.	4,233 00
" Scott on contract, about	1,700 00
" J. R. Robinson,	467 00
" Johnson & Hoyt,	1,467 00
Contingencies,	2,000 00
	<hr/>
	\$20,104 00

Balance in hands of Commissioner after the above payments are made,	2,118 04
The estimated expense of completing the Capitol is	28,000 00
	<hr/>

Leaving a deficiency of **\$25,881 96**

The undersigned respectfully solicits the appointment of a committee to examine his accounts, vouchers, disbursements, &c. and particularly to inquire into the contracts he has made with workmen and the sale of drafts received from Government, and also to inquire into the general condition of the fund and his office.

He submits the necessity of asking an appropriation from Congress, otherwise the building must remain in its present incomplete state, exposed to the weather and liable to great injury.

Very respectfully,

THOMAS BALTZELL.

Tallahassee, Feb. 2, 1841.

*The Commissioner of the City of Tallahassee in Account with
the Territory of Florida.*

1840.

Dr.

To amount received from Treasurer under appropriation of Congress,	\$17,000 00
To amount of premium on drafts sold,	848 00
To amount of sales of 95 lots in NW. qr. of 36, township 2 N, R. 1 W, and in the NE. qr. of sect. 1, T. 1, R. 1,	15,813 50
To amount of sales of 18 lots in sect. 1, township 1, range 1, W. SE. and SW. qrs.	3,655 00
To amount advanced by Gov. Reid to contractors,	711 00
To amount received on ac't. of old claims,	492 00
To amount sale of old capital,	600 00
	<hr/>
	\$39,119 54

1840.	Cr.
By cash paid Shine; contractor for brick work,	\$13,563 00
" " Levinus, " for carpenter work,	5,767 50
" " Scott, " for plastering "	800 00
" " Johnson & Hoyt, for carpenter work,	933 86
" " J. R. Robinson, " "	500 00
" " Gov. Reid for advances,	711 00
" " late Commissioner, for bal. due him,	533 89
" " John G. Padrick for fencing, &c.	248 00
" " J. S. Robinson under resolution of the Legislative Council,	200 00
" " Mrs. Chausler . "	200 00
" " Gov. Duval, "	750 00
" " T. H. Austin, "	200 00
" " estate Chas. Austin "	100 00
" " R. B. Ker surveying, &c.	491 00
" " Dorsey, auction sales, July,	50 00
" " Apal'a. Gazette and Star printing,	68 00
" " Floridian printing, 1839,	194 00
" " " " 1840,	97 00
" " J. B. Brown, assisting auctioneer, &c.	150 00
" " Nunes for plats, &c,	88 00
" " discounts on cash pay to lots,	196 00
" " stationery and furniture,	77 75
" " clerks, costs,	28 50
" " Levinus for capitols,	100 00
" " " removing rubbish,	50 00
" two lots sold and not taken out,	300 00
" Commissioner's salary,	1,500 00
Balance,	11,222 04
Consisting of	
Cash,	4 69
Notes due 1st March, 11,217 37	

\$11,222 04

THOMAS BALTZELL, Commissioner.

Tallahassee, Feb. 2, 1841.

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EXECUTIVE DEPARTMENT,
Tallahassee, February 3, 1841. }

To the Legislative Council of Florida :

I herewith enclose the Letter and Report of the Treasurer
on the School Land Fund for the year 1840.

ROBERT RAYMOND REID.

COPY.

TREASURERS OFFICE,
Tallahassee, February 1, 1840. }

His Excellency Robert Raymond Reid :

Sir,—Herewith I beg leave to hand you my account with the Territory for the last year on account of School Lands, exhibiting all moneys received since my return of last year, and leaving the balance of cash in the Fund of seven hundred and eighty-seven dollars and seventy-five cents.

Very respectfully,

Your obedient servant,

(Signed)

THOS. H. AUSTIN, Treasurer.

The Territory of Florida on Account of School Lands, in Account with Thomas H. Austin, Treasurer.

1840.	Dr.
To balance,	787 75
	<hr/> \$787 75

1840.	Cr.
By balance on hand as per report, 7th January, 1840,	686 25
" cash received of Thomas L. Hall, for rent,	5 00
" " " of Frederick Scott, " "	11 00
" " " of H. Doggett, " "	4 00
" " " of Wm. M. Maxwell, " "	73 00
" " " of T. P. Chairs, " "	8 50
	<hr/> \$787 75
By balance on hand, Feb. 1, 1841, (Signed)	<hr/> \$787 75
THOS. H. AUSTIN, Treasurer.	

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 6th, 1841. }

*To the Honorable the
Legislative Council of Florida :*

Enclosed herewith is the report of the Auditor, containing the information required by a resolution of the Senate of the 28th January, 1841.

ROBERT RAYMOND REID.

To His Excellency

Robert Raymond Reid :

Sir—Annexed is a correct statement in answer to a resolution of the Senate of the 29th ultimo.

Any further information will be cheerfully furnished, if required.

Respectfully,

Your obedient servant,

JOHN MILLER,

February 5, 1841.

Aud. Pub. Acct., Fla.

A List of Arrears Due the Territory from all Sources, as exhibited by the Books of the Office.

When Due.	From Whom.	Counties.	Offices.	Am't Due.	Remarks.	Names of Counties.	Date since Returned.
1834.	Francis J. Avise,	St. Johns,	Sheriff,	\$ 960 47½	Ordered in suit.		
1835.	Jas. D. Bullock,	Franklin,	Tax Collect'r,	106 92	do.		
"	Wm. Livingston,	St. Johns,	Auctioneer,	23 18	Not to be found.	Escambia.	1835.
1833.	Joseph R. Betton,	Fayette,	do.	18 24	do.	Washington.	1835.
"	Daniel C. Hart,	Duval,	Sheriff,	92 96	Ordered in suit.	Calhoun.	1838.
"	Alex. Adair,	Leon,	Marshal M. D.	276 11	do.	Franklin.	1838.
"	A. G. Mays,	Jackson,	Tax Collect'r,	235 42	do.	Columbia.	No Returns.
"	Waters Smith,	St. Johns,	Marshal E. D.	288 91	do.	Alachua.	1838.
1839.	Blyden Vanbaun,	Escambia,	Auctioneer,	11,602 70	do.	Nassau.	1835.
1836.	Daniel McCloud,	Walton,	Tax Collect'r,	110 70	Chargeable to the Co.	Duval.	1834.
1835.	A. G. Phillips,	Duval,	do.	127 57	Ordered in suit.	St. Johns.	1835.
"	John G. Tyner,	Alachua,	do.	273 28	do.	Musquito.	1835.
"	Joshua Joiner,	St. Johns,	do.	1242 27	do.	Hillsborough.	1836.
1836.	John Duncan,	Franklin,	do.	617 30	do.	Dade.	No Returns.
"	Tylman J. French,	Leon,	do.	2559 88	do.		
1837.	Samuel H. Duval,	do.	do.	3157 1	do.		
1838.	John Enderman,	Franklin,	do.	2042 51	do.		
"	do.	do.	do.	2379 58	do.		
1839.	Michelet & Vanbaun.	Escambia,	Auctioneer,	688 30	do.		
"	Wm. H. Michael,	Leon,	Tax Collect'r,	1739 75	do.		
"	St. J. & L. W. R. Co.	Calhoun,	Auctioneer,	7500 00	do.		
"	Wm. E. Davis,	do.	Tax Collect'r,	228 33	do.		
				\$36,271 37½			

EXECUTIVE DEPARTMENT, }
Tallahassee, Feb. 11, 1841. }

To the Legislative Council of Florida:

I herewith transmit to you a letter from the Auditor in relation to arrearages due to and from the Territorial Treasury.

ROBERT RAYMOND REID.

TREASURY DEPARTMENT, }

Auditor's Office, }

Tallahassee, February 9, 1841. }

*To his Excellency**Robert Raymond Reid.*

SIR:—On comparing debits and receipts with the Treasurer of the Territory, I find there on outstanding warrants against the Treasury, amounting to (\$11,210 56,) eleven thousand two hundred and ten dollars fifty six cents.

My recent appointment does not allow me to give you such a statement of the condition of the office, as your Excellency or the Legislature have a right to expect.

You will however, discover how small a number of those appointed to the office of Auctioneers, have made their quarterly regular reports, and how large an amount of deficits remain unsettled from other sources.

I am not, at present, in possession of information necessary to inform you of the condition of the claims that are in progress of collection, or to insure in future, a prompt compliance with the laws by those commissioned with the collection of the Revenue.

The act of the last Legislature authorising the Treasurer to issue his Execution in sixty days after information is given him, of the defalcation of an officer, and on option with the Auditor to employ additional counsel to aid the District Attorney in prosecuting claims with the right to criminal prosecution under particular circumstances, appears to the undersigned to be all that could be required to enforce a rigid compliance with their duties. How far this has had the desired effect, as yet I am unable to state. The fines and forfeitures are a legitimate and would be a fruitful source of Revenue for the application of discharging the expense of prosecuting crimes by the Territory. It seems also to be greatly neglected, as but few reports of clerks of the Superior Courts of recent date, appears in this office, showing the condition of this important branch of finance.

Attention to the last mentioned subject, with the Auctioneers, and a zealous co-operation of the different officers of the Territory, in forcing the collection of arrears due to the Territory, should go far if not entirely discharge the liabilities of the Territory, without resorting to a permanent system of direct taxation.

Very respectfully,

Your obedient servant,

(Signed,)

JOHN MILLER,

Auditor Public Accounts.

REPORT

OF THE

COMMITTEE ON CLAIMS.

The Special Committee, to whom was referred the petition of Benjamin G. Thornton, beg leave to

REPORT IN PART :

That in the year 1828, the petitioner entered into contract with John P. Duval, Esquire, Commissioner of the Tallahassee Fund, acting for and in behalf of the Territory, to erect a Capitol, by which the Petitioner undertook, for the sum of \$17,000, to erect and cover the building—which was designed to be a large one—and to furnish all the wood work, and other materials necessary for the purpose, except the brick, which formed the subject of a separate contract, and was to be furnished by another individual for \$6000. It appears from the evidence before your Committee, that the petitioner, Thornton, immediately proceeded to the execution of his part of the contract; and in the course of the year abovementioned, and that which followed, erected at great expense a very substantial saw mill, which had commenced successful operations, collected a large quantity of lumber, constructed a lime kiln, quarried an amount of lime stone sufficient to supply lime for the building, and hauled the wood necessary to burn it, purchased and maintained oxen, mules, wagons, &c., and employed the requisite number of workmen. During the whole portion of the time he was engaged in these operations, embracing a period of fifteen or eighteen months, the petitioner, although laboring under great embarrassments, created chiefly by the Territory failing to make adequate advances in money, never relaxed in his efforts to fulfil his part of the contract. It appears that, in the latter part of the year 1829, the Commissioner declined making fur-

ther advances, and the Legislative Council afterwards refused to progress with the work. Rejecting, as far as possible, the minor details of this controversy, your Committee proceed to observe, that the Petitioner instituted suit against the Territory, which was thrown out of Court, on the ground that the Territory was not liable to suit. That in a suit brought immediately after by the Territory against him, the jury, after a patient investigation, gave a verdict in favor of Thornton. Your Committee take leave to recommend this solemn verdict of a jury to the attention of the Council, as furnishing a type of all the subsequent decisions on this claim, made by men clothed with legal authority, and put upon their honor and their oaths, with, perhaps, a single exception.

It appears that the Petitioner then determined to seek redress in legislation, and throw himself on the justice and generosity of the Council. His appeal, accompanied no doubt by requisite testimony, seems to have produced a just impression in this body. In 1833, the Council passed an act, providing for the settlement of his claim, by reference to arbitrators. It appears that, Mr. Berthelot, chosen by the Petitioner, allowed all the charges of the Commissioner against the Petitioner, although these charges made as money advanced, really consisted in goods and not money, and deducting them from the whole amount stipulated to be paid by the Territory, awarded the balance—nearly \$13,000—to Mr. Thornton. Mr. Chandler, in his report, awarded nothing. In consequence of this disagreement, the decision devolved on Col. Randolph, the umpire, who awarded to the Petitioner one-half the amount allowed by Mr. Berthelot. Your Committee regret that the report of the umpire, drawn up, as they have been informed, in a masterly manner, and presenting a very clear view of the case, has been lost while in custody of the Territory; and they further regret that this award was not adopted by the Territory, and made the basis of a final settlement with the Petitioner, which would have been a good compromise to the Territory, and at that time have satisfied the Petitioner.

In short, it appears to your Committee, that Benjamin G. Thornton, who at the date of the contract, gave fair promise, in his eminent skill and genius as a mechanic, in his habits of industry and sobriety, and in his enterprising spirit, of becoming one of the most useful citizens of Florida, has been grossly wronged and injured by acts of the Territory and its public servants, and reduced from the condition of that "prosperous mechanic," described in the important testimony of Gen. Duval, to want and penury. It is a fact of general notoriety, that his mansion, several lots owned in this city, some slaves, and a very complete set of tools together with a large number of mules, the saw mill and workshop, kiln, limestone, wood, &c., were all sacrificed in consequence of the unfortunate interposition of the Territory—and that it is the solemn duty of the Council to render him such imperfect justice as is now in its power to afford.

It appears to your Committee :

1st. That the Territory—either from the want of funds, or rather

the waste of ample funds at its control—or caprice—or some other cause—committed a breach of contract, and is consequently liable to the Petitioner for the full amount of damages, according to the laws of the land;

2d. That the Petitioner, Thornton, was, at times, willing and anxious, to perform his part of the contract; and, for a period of 15 or 18 months, devoted himself with great zeal and fidelity to its performance;

3d. That the controversy between the Territory and the Petitioner has been decided in favor of Thornton, by that tribunal universally considered the most holy and incorruptible known to our free republican institutions—an impartial jury;

4th. That successive Legislative Councils have evinced a disposition to decide, or have actually decided, in the same manner;

5th. That arbitrators, created by the Legislative Council, and composed of competent and disinterested persons, have also decided in the same manner;

6th. That if the parties litigant had been private individuals, Thornton's claim to the full amount of the bonds would have been long since established by a Court of Justice.

In conclusion, your Committee are unanimously of opinion—an opinion which, at least with a majority, is a settled and solemn conviction, not to be changed or shaken,—that the claim of Benjamin G. Thornton is one of the clearest merit, and that he is entitled to the fullest relief the Council can afford. This conviction is founded on evidence already in the possession of the Committee; but they are led to believe that other corroborative testimony will be received in a few days, when they will make their final report. In the mean time, they beg leave to report the following bill:

AN ACT

For the Relief of Benjamin G. Thornton.

Be it enacted by the Legislative Council of the Territory of Florida, That Benjamin G. Thornton be allowed, out of the Tallahassee Fund the sum of _____, and that the same be paid to him forthwith, upon his executing a release in full to the Territory, of all claims and demands arising from his contract for building the Capitol.

DOCUMENTS

ACCOMPANYING THE REPORT OF THE

COMMITTEE ON CLAIMS,

ON THE PETITION OF

BENJAMIN G. THORNTON.

STATEMENT OF BENJAMIN G. THORNTON.

After the suspension of the building of the Capitol, by reason of the default on the part of the commissioner in January, 1830; I gave him written notice of my readiness to proceed, and demanded a compliance with the contract on his part, which he failed to do, or respond to. (See Records of Board of Directors for the notice.) I then brought suit against the Commissioner; the Court decided that an action could not be sustained against him. The Commissioner sued me, upon the trial I recovered a verdict for costs.

The Legislative Council passed, referring my demands to arbitration, which was not acted on: (See Laws of '33, page 136.)

The Council at its next session, passed a second law, still referring my demands to an arbitration. (See Laws of '34, page 106.)

The arbitrators under this law, awarded in my favor, in Sept. 1835; and I now claim the amount of said award, with interest at 8 per cent, from the suspension of the work; in January, 1830, at which time due notice was given the Commissioner by me.

B. G. THORNTON.

TALLAHASSEE, 14th December, 1829.

GENTLEMEN:—Agreeably to your request, I hereby lay before you a statement of the progress I have made towards building the Capitol.

I have prepared a large quantity of timber for scantling, and sawed a part of it, also a quantity of the best, soft, yellow pine, for frames and cornice. I have erected a saw mill for the purpose of sawing all the timber for the Capitol, by which means all the scantling will be prepared, ready to go into the building, in a superior manner to getting it by hand. I have built a regular fine kiln, at great expense; quarried all my lime, stone, and hauled it to the kiln, and commenced burning it. I have prepared the foundation for the building, ready to commence, the laying of brick.

The preparations I have made, and the facilities thereby afforded me, which are on the spot; I think equivalent to nearly one half of my part of the contract. This course has been taken by me, with the advice of the commissioner with whom the contract was made, and perpetuated

by his successor, in which every facility was to be afforded me, according to the true spirit of the contract, which reserves to the commissioner the right to exercise his judgment in the advance of money; and, although, a large expenditure made by me, is not in the materials directly, yet it is direct to the accomplishment of the object, in a better manner.

Respectfully,

B. G. THORNTON. *Contractor.*

Col. Rob't. Butler, *Chm'n. of the Committee.*

P. S.—I would further observe, that I am ready to go on with the brick work as soon as the brick can be had.

B. G. T.

AN ACT for the relief of Benjamin G. Thornton.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Benjamin G. Thornton be allowed, out of the Tallahassee fund, the amount of principal of the award of Thomas P. Randolph in his favor, against the Territory, and entered thereon from the date thereof, at eight per cent, and that the same be paid to him forthwith, upon his executing a release in full to the Territory, of all claims and demands arising from his contract for the building the Capitol.

MARCH 29th, 1830.

As the securities of Mr. B. G. Thornton, for the fulfillment of his part of the contract, for raising the walls and covering in the Capitol.

We, as his securities, wish you to be informed, and to take notice, that although we have been advised and believe that we are released already by the failure on your part, and, nevertheless, if you conceive us to be responsible, as his securities, you will forthwith furnish the brick necessary, and of such quality as will be proper to put into the walls, and funds according to the contract, otherwise we shall hold ourselves as entirely released from such supposed liability.

Yours,

DAVID FLOYD,
G. W. WARD,
SAM'L. A. SPENCER.
WESLEY ADAMS,
JOSEPH McBRIDE.

To TURBUTT R. BETTON, Esq., *Commissioner*
of the City of Tallahassee.

ARTICLES OF AGREEMENT

Made and entered into this fourteenth day of May, in the year of our Lord eighteen hundred and twenty-eight, between John P. Duval, Commissioner of the city of Tallahassee and of the Territory of Florida, of the one part, and Benjamin G. Thornton and Jesse H. Wilks of the other part, all of the city and Territory aforesaid.

WHEREAS, by virtue of the act of the Legislative Council, entitled, an

act to provide for the laying off the town of Tallahassee, and the sale of the lots thereof, and the several acts passed in amendment thereof, John P. Duval has been duly appointed sole Commissioner of the city of Tallahassee, and vested with full power and authority, and it being a part of his duty, in virtue of the aforesaid acts, to progress with the building of the Capitol by contract, according to the plan already adopted, or such other as might be adopted by the Council with some fit person most likely to secure to the Territory the ultimate completion of the work, according to the plan alluded to, and as the funds of the Territory appropriated to that object would otherwise, and the said John P. Duval, Commissioner as aforesaid, pursuant to the provisions of the aforesaid acts of the Council, on the twentieth day of January, eighteen hundred and twenty-eight, gave public notice in the Florida Advocate, a public newspaper printed at Tallahassee, that he would receive written proposals until the first Monday of April next, for the building and covering in of the Capitol according to the plan aforesaid: and, whereas, sundry proposals were received, and divers offers made, but of a character so vague and indefinite, that the said John P. Duval, Commissioner as aforesaid, deemed it essential to the interest of the Territory, and a faithful performance of the work according to the plan, to reject all the proposals thus made, and again to advertise and require of those disposed to contract for the work to be precise in describing the manner in which the work would be executed, and the kind of materials to be used, and so if practicable to insure a faithful performance of the contract on the part of the contractors; and also to ensure to the Territory the erection of such a building as was contemplated by the Legislative Council; and on the twelfth day of April, eighteen hundred and twenty-eight, the said John P. Duval, Commissioner as aforesaid, again gave public notice in the aforesaid public newspaper, that he would receive written proposals for the building of the walls and covering in the Capitol according to the plan aforesaid, until the twentieth day of April, eighteen hundred and twenty-eight, in which those persons wishing to contract were notified to describe the kind of materials to be used, and manner in which the work was intended to be executed, all of which will be more fully and at length appear by reference to the notices, and the several proposals remaining in the office of the aforesaid Commissioner. That pursuant to the last notice as aforesaid, sundry proposals were received, and amongst others, that of Benjamin G. Thornton and Jesse H. Willis, marked estimate number two, and referred to and made a part of this contract, which proposal the said John P. Duval, Commissioner as aforesaid, did conceive the last, and most likely to insure a due and faithful performance of the work contemplated by the Legislative Council and of the materials best suited to the building, and accordingly the said John P. Duval, Commissioner as aforesaid, on the twenty-second day of April, eighteen hundred and twenty-eight, did agree to and accept the last proposal aforesaid of Benjamin G. Thornton and Jesse H. Willis, to build the walls and cover in the Capitol according to the aforesaid estimate, No. 2, at and for the sum of *twenty-three thousand three hundred and fifty dollars*. Therefore, this agreement witnesseth, that the said John P. Duval, Commissioner as aforesaid, for and in behalf of the Territory of Florida, and for and in consideration of the premises and covenants and the agreements of the said Thornton & Willis, hereinafter expressed, doth hereby covenant and agree to and with the said Thornton & Willis, and their heirs, executors, administrators and assigns, that he will pay them or their legal representatives, the aforesaid

sum of twenty-three thousand three hundred and fifty dollars, current money of the United States, in the manner following, that is to say:— The said Commissioner agrees to pay for the work as fast as it progresses or as materials are furnished, provided collections sufficient can be made of the monies appropriated exclusively to the building of the Capitol, and in no event is the Commissioner to pay a greater sum in advance than the value of the work done and materials furnished, nor a greater amount than is collected, unless he deems it fit and proper so to do. And so soon as the work is done and the building is completed according to the contract, then the said Commissioner agrees to pay over any and every sum or sums that may be due and unpaid, if so much may have been collected, and if not then so soon as said sum or sums may be collected. And the said Benjamin G. Thornton and Jesse H. Willis covenant and agree to and with the said John P. Duval, Commissioner as aforesaid, that they will forthwith proceed with the work and continue with all reasonable diligence, until the same is completed agreeable to the contract, and to the plan adopted by the Council, and to the estimate No. 2, hereinafter referred to, that is to say the walls to be the dimensions stated in the advertisement, that is of the present walls, except the partition walls which are to be four inches thicker, all hard brick, quoted and laid in the best manner, with pilasters, full capped and based with their entablatures of the Tuscan order, as per drawing number one; the doors to be circular heads with double pilasters, as per drawing number four, referred to and made a part of this contract. The window frames to be neaveled and made in the best manner; to receive the inside work for double hing sash, made of two inch stuff, as per drawing number five, referred to and made a part of this contract. The first floor of joists to be three by twelve inches, and not more than sixteen inches from their centre apart. The second floor to be put in with truss-girders as per drawing number six, referred to and made a part of this contract, which are not to be less than eighteen inches deep, with double floor of joist framed in to face at top and bottom of girder, and not less than four girders over the representative hall with two plain girders over the lobies. The whole of the other floors are to be joists three by twelve inches, and not more than eighteen inches apart from their centre, laid on girders. The whole of the partitions are to be six inches thick, full trussed and tucked in posts and girderders with straining beams, securely strapped, and bolted, the studs 3 by 6, trusses and posts from six by six to six by eight in proportion to their length as per drawing number seven, referred to, and made a part of this contract. The dome to be trussed with the upright strapped to their girders and straining beams, the whole is to be securely bolted as per drawing number eight referred to, and made a part of this contract. The wings and angles to be covered with riced roofs and gutters two feet wide between the walls, roof, angles and dome, and the whole to be covered with sixteen, or line fastened down with iron screws; it is understood that the pilasters and cornice are to be put on the old wing, in the same manner as the new part of the building; and it is further understood and agreed on, that in case the monies cannot be collected to pay for the work done and materials furnished, that the said Thornton & Willis shall not be bound to proceed with the work, until the money can be collected; and it is further expressly understood and agreed to, by the parties to this instrument, that one of the parties to wit: Jesse H. Willis is not bound after the completion of the brick work, that is to say, that so soon as all the brick necessary for the bulding shall be by him

delivered and the brick work shall be completed, then all obligations upon him cease and he is not further bound by this contract.

In testimony whereof the parties have hereunto set their hands and affixed their seals, the day and year first above written.

Agreed in the fourth line from top entered before execution.

B. G. THORNTON, L. S.

JESSE H. WILLIS, L. S.

JOHN P. DUVAL, L. S.

Commissioner of Tallahassee.

Test.

HORATIO P. VASS.

A true copy from the original on file in my office.

R. G. WELFORD,

Clerk Superior Court Leon County.

KNOW ALL MEN BY THESE PRESENTS, That we, Benjamin G. Thornton, Joseph McBride, George W. Ward, Davis Floyd, Samuel A. Spencer, and Westley Adams, are held and firmly bound unto John P. Duval, Commissioner of Tallahassee, and his successors in office, in the penal sum of seventeen thousand dollars, lawful money of the United States, to the payment of which well and truly to be made to the said John P. Duval, Commissioner as aforesaid, or his successor in office, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated this 14th day of May, in the year of our Lord one thousand eight hundred and twenty-eight.

Whereas, the said Benjamin G. Thornton, together with Jesse H. Willis have entered into a contract, bearing even date herewith, to erect the walls and cover in the Capitol, reference thereto being had, will more fully appear; and the said Thornton & Willis having agreed between themselves that the said Willis is to furnish the brick, and the said Thornton is to find all the other materials, and execute the work, agreeably to the contract aforesaid, and the estimate No. 2, therein referred to. Now the condition of this obligation is such, that if the said B. G. Thornton shall commence, without delay, and progress with all reasonable expedition, and shall well and truly complete the work aforesaid, in a good workmanlike manner, according to the tenor and effect of the aforesaid contract, and the estimate No. 2, therein referred to, then this obligation to be void, and of no effect, otherwise to remain in full force and virtue.

B. G. THORNTON, L. S.

JOSEPH MCBRIDE, L. S.

G. W. WARD, L. S.

DAVIS FLOYD, L. S.

SAMUEL A. SPENCER, L. S.

WESTLEY ADAMS, L. S.

Test.

HORATIO P. VASS.

I, Thomas H. Duval, do certify that the above is a true copy of a bond filed in the Superior Court for Leon County, Middle District, Florida, (of which I am clerk,) in a suit of the Commissioner of Tallahassee against the said B. G. Thornton, and others.

Given under my hand and seal of said Court, this 6th day of February, 1828

THOS. H. DUVAL, Ck.

By J. W. D. Stone, D. Ck.

G

At a session of the Superior Court for the Middle District of Florida Leon county, continued and held at the city of Tallahassee, on Friday the 20th day of April, A. D. 1832.

Present the same Judge as on yesterday.

The Commissioner of Tallahassee, plaintiff,
against
Benjamin G. Thornton and others, defendants. } In debt.

This day came the parties by their attorneys, and thereupon the jury sworn in this cause on Wednesday last, appeared in Court agreeable to their adjournment, and upon their oath returned the following verdict: "We the jury find for the defendants."

A true copy.

R. G. WELLFORD, Clerk.

Statement of the award of the arbitrators in the case of B. G. Thornton against the Commissioner of Tallahassee.

Mr. Berthelot, one of the arbitrators, award to Thornton the amount of his contract, deducting therefrom the amount paid him.

Mr. Randolph awards half the amount of Mr. Berthelot.

STATEMENT.

Amount of contract,	\$17,000 00
By amount paid,	4,034 30
This amount awarded by Berthelot,	\$12,965 70
And the half of that sum by Mr. Randolph makes	\$6,482 85

A Statement of evidence I wish to lay before the Committee in relation to my claim.

There is no Commissioner of Tallahassee, and the books of the Commissioner, and the books of the Board of Directors of the Tallahassee fund, are in the hands of Doctor English, subject to the order of the Governor.

I wish those books to be brought before you and Capt. J. P. Duval, and J. A. Berthelotte, to be summoned as necessary to a proper understanding of the case. The evidence taken by the arbitrators, and all other papers relative to the case, being gone from the office, and are not to be found.

B. G. THORNTON.

BENJAMIN G. THORNTON,			
1838 Account with the Commissioner of Tallahassee.			
June 14,	to draft on Treasurer,	\$1000	
July 23,	" do.	25	40
30,	" do.	400	
Oct. 10,	" do.	150	—\$1575 40
Above amount paid by J. P. Duval.			
December 1,	draft on Treasurer,	243	
1829.	Cash.	207	
February 24,	to draft on Treasurer,	50	00
May 23,	do. do.	300	00
April 13,	do. for Wm. Hall,	150	00
June 8,	do. " Jas. J. McMullin,	260	00
July 20,	do. " Thos. Brown,	120	00
" do.	" on Treasurer.	257	71
" do.	" John P. Duval,	38	02
Sept. 1,	do. " D. B. Douglass,	150	00
" do.	" J. H. Willis,	59	17
October 6,	do. " Betton & Emmory,	300	00
do.	do. " Cash,	100	00
1830.			
January 1,	do. " draft per acct. Floyd,	200	
April 1,	do. " J. W. Levinus.	30	\$2,458 80
			<hr/> \$4,034 30

NOTE.—\$4034 received chiefly in Merchandize and Groceries.

TESTIMONY OF GEN. DUVAL.

B. G. Thornton's Case.

John P. Duval appeared before the Committee, and was duly sworn. He deposed and said, that being Commissioner of the Tallahassee fund in 1828, and authorised by act of the Legislative Council, to contract for building the Capitol, he did contract with Jesse H. Willis and Benjamin G. Thornton, to erect and cover the building for which they were to receive the sum of \$23,000, or thereabouts; not a joint contract, but separate; Willis to furnish the brick and receive \$6,000; Thornton to furnish lumber, lime, &c., and erect the building for 17,000. Witness believed he had made a great bargain for the Territory, the building was designed to be nearly or quite as large as that now being erected; designed to be a splendid structure. Thornton gave witness a complete drawing; from witness's knowledge of architectural design, is able to say it was an admirable drawing. Thornton manifested a perfectly honest disposition, detailing things very precisely to the Commissioner, making every requisite explanation; witness made the contract with Thornton, partly on the ground of his being, at that time, in prosperous circumstances, and was esteemed one of the first architects in Washington. Thornton soon commenced the execution of his contract, erected a mill for sawing lumber, which witness saw working well, and quarried stone and constructed a lime kiln; wit-

ness sanctioned all these measures, considering them useful preparations to complete the contract in the best manner. Timber rotted in consequence of the Commissioner and Council refusing to furnish money; it was an entire loss to Thornton. He believes Thornton received but little money; what he did receive was chiefly of witness, while he acted as Commissioner; he believes his successor paid Thornton chiefly in goods out of his store. Witness resigned his office of commissioner, and became attorney for the commissioner. While he acted as Attorney, there was more than \$23,000 due the Territory, out of the Tallahassee fund; which witness could have collected, and, as attorney offered to collect, but the commissioner Mr. Betton, directed him not to make the money; about that time, there was a party here, hostile to the completion of the Capitol. Witness went away in '31; had he continued to be commissioner, he believes, Thornton would have completed the Capitol according to contract. The successor of witness at first encouraged Thornton to proceed. Witness believes that Thornton sustained a great sacrifice of property in consequence of the refusal of the Territory, to proceed in the fulfilment of its part of the contract. Thornton always evinced a disposition to proceed with the contract and complete the Capitol: deponent believes that when the attempt was made to arrest the progress of the Capitol, the late Maj. Chaires, made an offer to take the contract himself; to become responsible for its fulfilment, and to finish the Capitol. The deponent first heard this from Jesse H. Willis who was very intimate with Mr. Chaires, the assertion has been often since, repeated in his presence, and he has never heard it denied.

JOHN P. DUVAL.

Feb. 8, 1841.

CASE OF BENJAMIN G. THORNTON.

FEB. 6, 1841.

This day appeared before the Committee, Richard Sheffer, who being duly sworn, said that after Mr. Spencer left the service of Mr. Thornton, he, Sheffer, had charge of the hands; that the stone quarried and ready for the kiln, was sufficient, as he believes, for all the purposes of the contract: a large quantity of wood was transported to the kiln, sufficient to burn all the lime. Thornton erected and set in motion a large mill near Washington Square, and collected a large number of stocks, or logs, for sawing lumber, when all further proceedings at length ceased by order, as the deponent believes, of the Territorial authorities.

Witness says Thornton was very active and pressing in pushing his operations forward, and appeared to be, while witness remained in his service, anxious and ambitious to complete the Capitol.

RICHARD SHEFFER.

• TERRITORY OF FLORIDA, } Petition of Benjamin G. Thornton.
 Leon County. }

• Personally appeared before me, a Justice of the Peace, in and for said County, Samuel A. Spencer of the County aforesaid, who being duly sworn, deposeth and saith :

That he has been acquainted with the petitioner, Benjamin G. Thornton, since the latter part of the year 1827; that in the year 1828, deponent, together with Messrs. Floyd, McBride, Adams and Ward, became security for the performance of a contract entered into by the petitioner for building the Capitol, to a certain extent; that petitioner, as deponent understood, undertook to erect the building and furnish every thing necessary for that purpose, except the brick, and that he was to receive for the same the sum of seventeen thousand dollars; that the petitioner, soon after signing the bonds, proceeded to the execution of the work he had undertaken; that he hired a number of hands—deponent thinks, including both black and white, from 20 to 25—a portion of them carpenters, one blacksmith and striker; he erected a blacksmith's shop, and had also a carpenter's shop on the same lot, and erected a large building for sawing lumber. The deponent, (who was at that time engaged by the petitioner to assist him in building the Capitol,) quarried a large quantity of rock for making lime, and had it carried from the quarry, but being compelled by circumstances at that stage of operations to withdraw from his engagements, has no personal knowledge that the petitioner burned and prepared any lime. Deponent also superintended and directed the laborers engaged in cutting, hewing, and hauling lumber to the mill in Tallahassee; a considerable quantity was collected, enough to build the saw-mill—the frame of which, as well as the carpenters' work shop, still remain in the place where they were erected, and a number of hewn logs or sticks—say 200—capable of making ——— of planks, designed, as deponent believes, to be sawed into materials for the use of the Capitol. Deponent says that the petitioner, Mr. Thornton, displayed great industry and energy in the prosecution of the business; he seemed to be resolutely determined and devoted to the completion of the Capitol, and the honorable fulfilment of his contract, as any man could possibly be; deponent can truly aver that his soul appeared to be engaged in and almost wholly devoted to this object; it was the subject continually uppermost in his thoughts, and predominant in his conversation. To the completion of the Capitol he looked with obvious pride and triumph. Every thing done or directed in this matter was plainly intended to accomplish that end; and to the accomplishment of that end, it was generally believed by Mr. Thornton's friends, that the mill, the lime kiln, the horses, mules, wagons and carts, purchased by him, were useful means; and the deponent is under the strongest persuasion that Messrs. Betton & Duval, the Commissioners on the part of the Territory, approved these measures and sanctioned them. Deponent remained five or six months as the superintendent of what may be called the out door business, and during all that time, the hands, and mules, and oxen were all actively engaged at the expense of the petitioner. After deponent left Mr. Thornton, he occasionally visited Tallahassee, and found that the zeal of the petitioner in the prosecution of the great public contract he had undertaken, was not in the slightest degree abated. The friends of Thornton believed that building the mill and other preparatory measures, were, in the then circumstances of the country, judicious, dictated by sound judgment and would serve

to economize the expenditures, and hasten the completion of the Capitol.

The deponent further says that he knows that a large proportion of the payments made by the Commissioner to Mr. Thornton, was not made in money, but in groceries and other articles from his store in Tallahassee, and as he presumes, at the retail prices of that day.

SAMUEL A. SPENCER.

Sworn and subscribed to before
me, this 3d day of Feb. 1841.

GEO. E. DENNIS, J. P.

TERRITORY OF FLORIDA, } In the case of the petition of Benjamin G.
County of Leon. } Thornton.

Personally appeared before me this day, David M. Sheffield, who being duly sworn, deposeth and saith :

That being one day in casual conversation with Turbutt R. Betton, Esq., during the time he acted as Commissioner of the Tallahassee Fund, he, the said Commissioner, remarked that the office had been a matter of considerable convenience to him, for had it not been for that he would not have been able to make his remittances, implying, as this deponent then understood, and does yet believe, that he used the funds as exchanges or remittances.

Deponent further saith that he has often seen the lime kiln built by Mr. Thornton ; large quantities of lime stone and wood at the kiln ;—but knows very little about burning the lime ; recollects to have seen one kiln burnt. Deponent understood that these were all preparations for building the Capitol.

D. M. SHEFFIELD.

Sworn to before me, this 3d of Feb. 1841.]

Given under my hand and seal, the day
and year before mentioned.

E. R. GIBSON, J. P. Leon County.

HOUSE OF REPRESENTATIVES,

January 26, 1841. }

The enclosed petition was referred to a Select Committee, consisting of Messrs. Duval, McKinnon, Thigpin, Priest and Steele.

Attest.

JAMES H. GIBSON,

Clerk House of Representatives.

To the Honorable the Governor and members of the Legislative Council of the Territory of Florida.

The petition of Benjamin G. Thornton respectfully sheweth—that in the year 1828, he entered into an engagement with the Territory of Florida, through their Commissioner John P. Duval, for erecting a Capitol, as will appear by certain articles concluded by and between said Commissioner of the one part, and Jesse H. Willis and your petitioner of the other part, by which it will be seen that said Willis was to furnish the brick, and your petitioner was to construct the walls and cover in the building. Your petitioner after entering into said contract, immediately made his preparations in good faith, with a view to its fulfilment, in the shortest period, and in the best manner. With the advice,

of the Commissioner and acting under the exercise of his best judgment, he erected a Saw Mill for the cutting of his lumber at suitable lengths, which was in active operation; he constructed a lime kiln, and was prepared with lime for the purpose—had hauled his timber for the building—had purchased Oxen, Mules, Wagons and other things requisite in such an undertaking, and had his workmen engaged, and ready to progress with it. Your petitioner was employed for nearly two years actively, and with the greatest diligence, neglecting all other business and engagements, and directing himself his time and talents to this alone. The preparations thus made from the high price of every thing in this country, involved a very heavy expenditure. Your petitioner is unable at this time to present an accurate account, but from loose memoranda in his possession, he makes it amount to the sum of ———, as will appear by an account filed herewith, and prayed to be taken as part thereof. Your Honorable body will perceive that the erection of the building and covering the Capitol—the materials having been prepared for that purpose, was but a slight matter in comparison and might and would have been accomplished in a few months, and your petitioner regarded the undertaking as almost completed, and was looking with intense anxiety to a termination of his labors for the reward of his great exertions. These anticipations were destroyed, to the great distress of your petitioner, by the avowal of the Commissioner that the funds were exhausted, and afterwards by a refusal of the Council to progress with the work. He believes the fact to be, that having erred in contracting for a building, the mere erection and covering in of which alone was to cost \$24,000; a building in size, far surpassing any probable wants of the Territory, or even of a contemplated State—the Council were anxious to be relieved from it. Suits were accordingly commenced by the Territory against your petitioner, and his securities in their bond; which, after a long and painful suspense, was decided in his favor. The consequence of these proceedings was most ruinous to your petitioner—all the funds he received from the Commissioner were exhausted upon the work—his large materials accumulated, at such vast expense and with infinite labor, were thrown upon his hands as almost useless, his preparations in other respects of Horses, Mules, &c. &c. were also left upon his hands—his workmen were left with their wages unpaid, and were clamorous—the credit of your petitioner already strained to the utmost, in the endeavor to fulfil his contract, was now prostrated—his creditors alarmed—pressed in every direction—commencing their suits, and his entire property, even his tools were sold under execution.

Your petitioner though suffering under the weight of these hardships, thus pressing upon him with a severity unknown to any but himself, and not easily conceived, has ever had an abiding confidence in the sense of justice and right of his countrymen, he accordingly made application at various times for relief. To his application in 1833, the Council passed a law appointing arbitrators to decide the question as will appear by their act of 1834. Under this law James A. Berthlot and Edward Chandler, Esqrs., were selected as arbitrators, but they differing in opinion the matter was referred to Thomas P. Randolph, Esq. as umpire, who gave it as his opinion that your petitioner was entitled to the sum of six thousand four hundred and eighty-five dollars. Although your petitioner regarded this sum as an inadequate allowance for his heavy losses and expenditures, the value of his services for so long a time and his injuries since, still he was disposed to abide by the umpirage, having submitted to the arbitration in good faith. By the law however of the Council, the decision of the arbitrators was much to the disadvantage

of your petitioner, made again subject to the approbation of the Auditor who refused to abide by the decision of the umpire, and the matter remains in this position.

Your petitioner therefore, prays that your honorable body will pass a law, either in confirmation of said award of the said Randolph, to be paid him, with interest, or that they will give him such compensation for his losses, damages and injuries, as under the circumstances, he may be reasonably found entitled to. And your petitioner will ever pray, &c.

B. G. THORNTON.

AN ACT for the relief of Benjamin G. Thornton.

SEC. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That Benjamin G. Thornton, be allowed out of the Tallahassee fund, the sum of six thousand four hundred and eighty five dollars, the amount of principal of the award, of Thomas R. Randolph, in his favor, against the Territory, and, likewise, interest thereon, from the date thereof, at eight per cent; and that the same be paid to him forthwith, upon his executing a release in full, to the Territory, of all claims and demands, arising from his contract for the building of the Capitol.

SEC. 2. *Be it further enacted,* That this law shall be in full force from, and immediately after its passage.

This Bill passed the House in 1839—not acted on in Senate.

KNOW ALL MEN BY THESE PRESENTS, That we, Jesse H. Willis, and Benjamin Chaires, are held, and lawfully bound, unto John P. Duval, Commissioner, of the City of Tallahassee, and his successor, in office, in the penal sum of six thousand three hundred and fifty dollars lawful money, of the United States to the payment of which well and truly to be made to the said John P. Duval, commissioner, as aforesaid, or his successor in office; we bind ourselves, our heirs, executors and administrators, jointly, and severally, firmly, by these presents, sealed with our seals and dated this fourteenth day of May, in the year of our Lord one thousand eight hundred twenty eight.

WHEREAS, The said Jesse H. Willis, together with Benj. G. Thornton, have entered into a contract, bearing even date herewith, to erect the walls and cover in the Capitol, reference thereto being had, will more fully appear, and the said Willis and Thornton, having agreed amongst themselves, that the said Willis is to furnish the brick only; and the said Thornton is to find all the other materials, and execute the work, agreeably to the contract aforesaid, and estimate No. 2, thereon referred to now, the condition of this obligation is such that if the said Jesse H. Willis, shall commence without delay, and furnish with all reasonable despatch. The quality of brick required for said capitol, according to the plan adopted by said Commissioner, in estimate No. 2, then this obligation to be void, and of no effect, otherwise to stand in full force and virtue in law.

JESSE H. WILLIS, L. S.
BEN. CHAIRES, L. S.

Witness,

HORATIO P. VASS

A true copy from the original on file in my office.

B. G. WELLFORD, Clk. Sup. Ct. Leon Co.

PETITION OF BENJAMIN G. THORNTON.

This day appeared before the Special Committee to whom was referred the claim of B. G. Thornton, Jas. A. Berthelot, Esq., who deposed and said, that the claim of said Benjamin G. Thornton having been, by an act of the Legislative Council, approved February 17, 1834, submitted to the decision of arbitrators, and the said J. A. Berthelot having been chosen by Mr. Thornton one of the arbitrators, and Edward Chandler another on the part of the Territory, they proceeded to investigate the claim, and make their several reports: that deponent, after devoting much time to the subject, upon full and mature deliberation, awarded to Thornton the whole amount of the contract, after deducting the sums paid him, which award, made by deponent, amounted to about \$12,790.

That Mr. Chandler awarded him nothing; that in consequence of the disagreement of the arbitrators, Thomas P. Randolph was chosen umpire, who allowed and awarded to the said Thornton one half of the above sum, to wit, the sum of \$6485.

JAMES A. BERTHELOT.

Sworn before me.

E. R. GIBSON, J. P.

QUINCY, Feb. 10, 1841.

Dear Sir: Your letter has been duly received, and I should have been in Tallahassee two weeks since, but for indisposition, and bad weather. In Sept. I was confined with bilious fever, and until the three or four weeks past, have been unable to walk to the public part of the village, and now have fever and pain in the head every other day, which, though it does not confine me all the day, renders me unfit for the transaction of any business.

You state in your last letter that the Committee are anxious to have my testimony. I have given it once in a written report, and twice before Committees, who have taken it down; perhaps among some of the papers it may be found. If, however, my health and the weather will permit, (before the adjournment of the Council,) I will come to Tallahassee and cheerfully state before the Committee all that I can recollect at this distant period respecting the case at issue.

Respectfully yours,

THOS. P. RANDOLPH.

B. G. THORNTON, Tallahassee.

H

MEMORIAL

OF THE

UNION BANK OF FLORIDA.

To the Senate and House of Representatives of the Territory of Florida:

The Memorial of the President and Directors of the Union Bank of Florida, respectfully represents :

That, by the unanimous resolution of their stockholders, at their last annual meeting, they are instructed to ask of the Legislative Council, a repeal of the 34th section of the charter of the Bank, which forbids a sale "at a discount" of the bonds of the Territory, upon which the capital of the Bank is founded.

The motives which prompted the restriction may be found in the circumstances under which the charter was granted.

Of these circumstances, two only need be adverted to here, because they were most prominent and influential.

1. Uncertainty as to the adequacy of the security which was to be given by the stockholders for the protection of the Territory.

2. A pervading disbelief of the possibility of selling Territorial Bonds at any reasonable price.

The Territory was to be secured by mortgages of property which had not then been appraised; and which, it was feared, might be estimated at rates which would not indemnify against a default of the Bank to pay the interest and principal of the bonds. The result proved this fear to be groundless.

As evidence of the disbelief of the possibility of selling the bonds, it is only necessary to recur to two or three facts.

1. The very tardy subscription of the first million of the capital of the Bank, which was not completed for eighteen months; and then only after a contract had been made for the sale of the bonds.

2. The refusal of the stockholders to advance the money, necessary to defray the expenses of the agent appointed to sell the bonds; because of a belief that the effort would be abortive, and the money thrown away.

3. The universal, as well as extravagant joy expressed throughout the Territory, at the success of the agent, who effected the sale.

Those prevalent doubts of which the Legislative Council largely partook, account for a restriction upon the sale of the bonds, nowhere to be discovered in the Louisiana Bank charters, from which that of the Union Bank was copied, nor in the subsequent charters of other Banks in the Territory, for whose capitals its faith is pledged.

Such, however, was the credit of all American stocks, both at home and abroad, at the time they were offered in the New York market, that the restriction in the charter interposed no obstacle to the sale of the Territorial Bonds. The bank, therefore, went into successful operation; and so continued until the universal suspension of specie payments in 1837.

In the ensuing year, the Capital of the Bank was filled up by the subscription of two millions of dollars; and bonds of the Territory, of corresponding amount, were received by it, to be sold.

Of these, the agent of the Bank sold 1296 bonds, of one thousand dollars each, at prices which netted to the Bank a premium. But the sale of the remaining 704 bonds was arrested by the apprehension of hostilities between the United States and Great Britain, on account of the disputed North-eastern boundary.

The same cause arrested the sale of all American Stocks in Europe; and before the fear of foreign hostilities had subsided, the disastrous progress of the Indian war within the Territory, combined with a renewed suspension of specie payments by all the Banks south of the Hudson, rendered abortive every effort to sell the remaining Territorial bonds. It is needless to add, that still greater difficulties were superadded, by the action of the last House of Representatives.

But the time has arrived when a sale of the remaining 704 bonds is imperiously demanded by the best interests of the Territory.

The country is laboring under great and complicated pecuniary embarrassments; the causes whereof being misunder-

stood, have occasioned remedies to be proposed, which are unsuited to the object, and must aggravate the evil.

The public mind has been impressed with a belief that the existing evils are all attributable to the Banks: who, by an imprudent extension of discounts have made over issues of Bank paper. Hence; every remedy proposed has for its object, to compel the Banks to reduce their circulation.

The evils complained of are

1. Extravagant rates demanded for northern exchange.
2. An alledged depreciation in the value of our Bank currency.
3. And at same time an acknowledged and distressing scarcity of that very currency.

This last admitted fact should induce a doubt, whether the public mind has not mistaken the true cause of our embarrassments. And that doubt must be strengthened, by two other undeniable facts, to wit: That the Bank circulation of the Territory is less, by one half, than it was, before the suspension of specie payments: and that the circulation of *this* Bank is much less in amount than will be due and payable to it, in the course of the year, for interest alone upon its discounts.

Surely these facts ought to disabuse the public mind.

The true cause of the high rate of Northern exchange, is *the northern indebtedness of the Territory*; an indebtedness exceeding the value of her exports. And if, by curtailments, the Bank could have withdrawn every dollar of its notes from circulation, the measure would neither have paid one dollar of northern debt; nor have reduced the rate of northern exchange one per cent.; although it would have ruined many, and have added to the embarrassments of the country, by depriving it of its chief currency.

The obnoxious remedy for the derangement of inland exchanges, as well as for most of the other evils endured by our community, is the payment of the northern debt. And the obvious means of paying a large amount of it, is a sale of the 704 Territorial bonds, held by the Bank. Without such sale, the Bank and the community must continue to suffer.

The only other remedy to which the Bank can have recourse is the curtailment of its discounts; a remedy which it has already applied to the extent of its power, unaided by the coercion of the courts of law. To *that* coercion it may be driven. The credit of the Territory *must* be sustained, by the punctual payment of the interest of the Territorial bonds. The Bank *must* comply with its engagements, no matter at what cost. And if the means of sustaining that credit, and of meeting these engagements are to be supplied by curtailments, through the instrumentality of judgments at law, and the enforcement of exe-

cutions, it needs no spirit of prophecy to foretell the ruin of individuals, and the prostration of every interest in our community.

These consequences can be averted only by giving to the Bank the use of that portion of its Capital which now lies dormant in the 704 unsold bonds of the Territory; and which will continue dormant unless the restriction in the 34th section of the charter shall be removed.

A sale of those bonds at the greatest probable discount cannot involve the Territory in any loss; because the present surplus profit of the Bank, exceeds any possible loss upon the sale. The capital of the Bank, therefore, will remain unimpaired; and constitute of itself, a complete protection to the Territory; while she has the further security of property, worth five millions of dollars, mortgaged for *three* millions only. No rational man, then, can believe, that by the repeal of the 34th section of the charter, the Territory will hazard any thing.

Whatever loss may attend the sale at a discount, will fall upon the stockholders of the Bank; to whom and their agents, the directors, the right to sell at a discount, may be safely confided, since motives of private interest, as well as of public duty will prevent any improper and unnecessary sacrifice.

The immediate effect of a sale of the bonds would be the payment of so much of the Northern debt of the Territory, and a corresponding reduction of the liabilities of the Bank; so that with the aid of another crop, the community would be relieved from all the evils attendant upon a high rate of exchange, and upon a depreciated currency, whether that depreciation be real or imaginary; and without having caused the ruin of an individual; and even without any severe pressure upon its debtors, the Bank would be enabled to resume specie payments.

Surely such considerations ought to commend the measure to the favorable regard of the representatives of the people.

In public calamities, resulting from war; from revulsions in commerce; and from unfruitful seasons, governments have interposed for the protection or relief of their people. The government of Great Britain, much less popular in its form than that of republican America, has been known to aid its merchants under serious pecuniary difficulties, by loans from the National Treasury; and we have recently seen the Governor of an adjoining State, recommend to the Legislature to lend to their people, millions of dollars, of State bonds, to assist them in paying the curtailments required to enable their banks to resume specie payments.

Great public calamities, resulting from a savage war, from-re-

vulsions in commerce, and from an unfruitful season, have fallen upon our young community ; nevertheless your memorialists do not ask you to put your hands into the public treasury, or to offer any sacrifice upon the altar of patriotism, for the relief of your constituents. But in the name of their stockholders, who compose a respectable portion of those constituents, they ask permission, by a sacrifice of their own interests, to shield their fellow citizens from further and greater calamities. They ask for power, by one measure to equalize exchange, and to make the circulation of the Union Bank equal to specie. They ask this boon at the hands of the Legislature, to enable them to save the property of debtors from the gripe of the usurer, and from the grasp of the rapacious speculator. His refusal will indeed make the rich, *richer* ; and the poor, *poorer*.

To the wisdom of an enlightened assembly, your memorialists confidently submit the choice between conflicting alternatives presented to their judgment by the existing circumstances of the Union Bank, of the paper currency, and of the people of Florida.

On the one hand the resumption of specie payments ; the consequent reduction of the rates of exchange, and the alleviation of the pressure on the community for debts, which a short crop has denied the means of paying.

On the other hand, a continued oppressive and wastful struggle to preserve from further injury abroad, the credit of the Territory, and of the Bank ; and the prostration of the value of every description of private property, by forced collections, profitable only to speculators and usurers, and accompanied by the utter ruin of individuals.

If further argument is necessary to induce the Legislature to grant their prayer, your memorialists beg leave respectfully to suggest, that it be embodied in the following modification of any act which may pass on the subject.

1. That the Union Bank shall be compelled to pay specie for its notes in circulation, from and after six months from the time of the sale of the bonds.

2. That the Bank shall annually appropriate *two per cent*, on the amount of said bonds, as a sinking fund for their redemption.

An annuity of two per cent would pay off those bonds in twenty one years.

And your memorialists as in duty bound will ever pray, &c.
By order of the board of Directors.

JOHN G. GAMBLE, President.

Union Bank of Florida, February 10, 1841.

REPORT
OF THE
COMMITTEE ON CLAIMS,
ON THE PETITION OF
MICHAEL LEDWITH.

The Committee to whom was referred the petition of Michael Ledwith have had the same under consideration and report as follows:

It appears that Mr. Ledwith made a contract with the Commissioner of the Tallahassee Fund, on the 14th Nov., 1839, to furnish the materials and execute the work on the Capitol according to certain specifications; he was to make and furnish the lintels, window frames, floors, joists, roof, &c. of the building. For this he was to receive \$13,987, the value of the materials to be advanced as they were delivered on the ground. Mr. Ledwith also particularly bound himself to have the window frames, lintels and joists for the floor, ready by such time as to prevent any occasion for delay in the execution of the masonry.

The foundation of the Capitol was laid by Mr. Shine, the contractor for the brick work, who progressed until he was stopped for the want of the window frames, joists, &c. Having been delayed for some time, he addressed a letter to the commissioner requiring him to furnish the frames, &c. The commissioner immediately addressed a letter to Mr. Ledwith, requesting that the proper materials might be furnished, and offering as there were no public funds, to pay from his private means, for these materials when delivered. Mr. Ledwith replied, declining to furnish the window frames, stating that he had already furnished materials, (consisting of a large quantity of white pine plank,) to the amount of \$1000 and upwards, for which he had been unable to get pay, and that these should be paid for before any thing further was required of him.

(The letters are hereunto annexed and made part of the report.)

In this state of things the Committee are of opinion the Commissioner acted properly in engaging some other individual to fulfil Mr. Ledwith's contract. It was necessary that some steps should be taken by the Commissioner to prevent a long delay in the progress of the building. The mason could not be stopped in his work until a court of justice should decide by whom the contract had been violated. The Committee are of opinion that Mr. Ledwith should have proceeded to get the lintels and window frames as the first part of the work; he had expressly engaged to furnish these so as not to delay the mason. The building could not have progressed without them. They do not think it was proper for him to get materials for other parts of the building, for instance for the second and third stories and roof, and to exact pay for these, neglecting the basement and parts below. If so, then pay for the wood work of the whole building might be demanded and obtained before the building could be raised beyond the foundation.

They understand the true construction and intent of the contract to be that "Mr. Ledwith was to furnish the materials specified in the agreement as they might be needed by the mason in the progress of his work."

They do not understand the materials mentioned in the contract to mean raw materials, such as plank, but materials *fit for use* in carrying on the building. The damages sustained by Mr. Ledwith, if any, are then chargeable to himself, as being produced by his own acts. The Committee, however, anxious to do justice to the petitioner, have endeavored to consider the subject liberally, without reference to the legal rights of the parties. If in any spirit of equity, the petitioner has sustained a bona fide damage, although caused by his own misconstruction of the contract, they are willing to allow him a remuneration.

It appears that Mr. Ledwith had purchased a large quantity of lumber, for which the commissioner was unable to pay him. This inability on the part of the commissioner was construed by Mr. Ledwith into a violation of the contract. Supposing the contract violated he refused to proceed and furnish the window frames, &c. when called for by the mason.

The commissioner therefore engaged another to furnish the materials. Mr. Ledwith is left with this large quantity of lumber on hand which he alleges he was compelled to sell at a sacrifice. This sacrifice or loss amounting as near as the committee can ascertain to about \$879, they are of opinion should be allowed him. Also \$60 for shop rent. It appears that the petitioner has paid Messrs. Thompson & Hagner \$200 for legal advice. This item the committee are of opinion should also be allowed.

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